AN INQUIRY INTO THE POLICY OF THE LAWS,

AFFECTING THE

POPISH INHABITANTS OF IRELAND,

PRECEDED BY A SHORT

POLITICAL ANALYSIS OF THE HISTORY AND CONSTITUTION OF

IRELAND,

In which the RIGHTS of COLONISTS and PLANTERS are briefly mentioned, the Nature of the Connection between ENGLAND and IRELAND deduced from the TIME of HENRY II. and a few Obſervations made on the POLICY of the LAWS that reſtrain the TRADE of IRELAND,—with ſome Hints reſpecting AMERICA.

——— *In Uſum Populi.* ———

DUBLIN:

PRINTED FOR ELIZABETH LYNCH, No. 6. IN SKINNER-ROW, AND IN THE FOUR-COURTS. M,DCC,LXXV.

BRITISH MUSEUM

ADVERTISEMENT.

THE Author is conſcious that he has, in many Inſtances, adopted the Sentiments, and in Some, (though not Intentionally) the very Words of other Writers, where they ſerved his Purpoſe or his Eaſe, without attending to give Credit for them, or taking the leaſt Pains to diſguiſe them.---He does not write for Fame, yet he wiſhes not to be thought a wilful Plagiariſt; wherefore he thinks it Neceſſary, by this Advertiſement, to prevent the Reader's Cenſure.

AN INQUIRY INTO THE POLICY OF THE POPERY LAWS, &c.

EVERY Man, warmed with love for his Country, naturally wiſhes to be perfectly acquainted of thoſe Circumſtances in its Laws and Government, which moſt materially affect the general Good; in Order, as far as may lie in his Power, to cheriſh and improve ſuch as are Advantageous, to check,

qualify, and if poſſible extirpate ſuch as are Pernicious and Deſtructive.

Having long perceived, and often reflected on two Circumſtances in the State of Ireland, my native Country, peculiarly Striking, and acknowledged by all Impartial Obſervers to be the moſt injurious Impediments and Obſtructions to its Wealth and Happineſs; namely, our own jealous Retention of a moſt grievous Syſtem of Penal Laws, whereby the Inhabitants are divided againſt each Other, and a major Part of them incapacitated to contribute their Help to the great Scheme of National Improvement; and the long avowed, though uſeleſs, impolitic, and, as I imagine it will appear, arbitrary and unjuſt Deſign, of reducing the Iriſh to the abject State of Servile Dependents upon the imperious Will of Others; I was induced to examine the Foundations upon which thoſe Evils were firſt eſtabliſhed, and to inquire into the Cauſes of continuing them, and more eſpecially the Former, becauſe it is an Evil that will probably

bly be redreſſed ſooner than the Other, and will, after a ſlight Examination, appear to be the worſt of Political Soleciſms.

To look into, and take a ſhort but general View of the State of Ireland, from the earlieſt Date of its Connexion with England, and mark the moſt important Obſervations that offer themſelves during this Inquiry, I imagine, will beſt elucidate the Subject.---

Ireland was for many Ages divided into ſeveral petty States, independent on each Other, any farther than that uſually one of their Princes aſſumed the ſplendid Title of Monarch of all Ireland, whom the reſt honoured with a pageant Reſpect, and little more than nominal Submiſſion.

No Country can be placed in a more ruinous and melancholy Situation, than that of ſeveral petty Principalities, bordering upon each Other, and confined within narrow Limits by the Ocean, purſuing different

ferent Intereſts, and fighting under different Chieftans or Commanders. Such, however Ruinous and Deſtructive, was the State of this Country, in the Eleventh and Twelfth Centuries, and for Ages before: Such was its State when Roderic, the Monarch of Ireland waged War againſt Dermod, Provincial King of Leinſter, whoſe turbulent Spirit, cruel and tyrannical Reign, rendered him unfit to command in a civilized Country: defeated in the Field, compelled to abandon his Kingdom, and fly for Refuge from Ills occaſioned by Himſelf; he applied for Aſſiſtance to Henry the Second, and propoſed when he ſhould regain his Kingdom, to reward his generous Benefactor by paying him Homage and Tribute.

The Engliſh Monarch, though at this Time diſabled by more important Concerns, from directly complying with the Iriſhman's Requeſt, was not the leſs inclined to embrace a Pretext, princely and ſpacious as his Pride and Wiſhes could deſire, to gain ſome Footing in a Country whoſe

whoſe internal Weakneſs and Diviſions had before attracted his Attention, and led him to eſteem it an eaſy Matter, either to effect a complete Conqueſt of the Kingdom, or at leaſt eſtabliſh there an Engliſh Settlement, and thereby facilitate a Deſign he had long entertained, and which highly flattered his Ambition; as, if crowned with Succeſs, he could boaſt of having added to his Dominions an Iſland as fertile as his own, of very conſiderable Extent, and from its Situation likely to produce more real Advantages to England, than all his other Dominions beſide. Not able, however, to afford Dermod any Succour himſelf, and at the ſame Time unwilling to let ſo favourable an Opportunity eſcape, without acquiring ſome Advantage from it, he recommended him to his Subjects, and conſented that as many of them as were willing might engage in his Cauſe.

There are never wanting Men to undertake ſuch Enterprizes; and Dermod ſoon prevailed with a Band of Welſhmen, by promiſing

promiſing them extenſive Grants of a rich and plentiful Country, and by other tempting Inducements, to collect their Followers, and embark with him for Ireland: Men, who in their Perſons and Arms embarked their whole Fortunes, had little or nothing to loſe, and much to expect.

"Such was the Original Scheme of an "Invaſion, which in the Event proved of ſo "great Importance. An Odious Fugi- Lel. v. 1. p. 21. "tive, driven from his Province by Fac- "tion and Revenge, gains a few Adven- "turers in Wales, whom Youthful Va- "lour, or Diſtreſs of Fortune led into Ire- "land, in Hopes of advantageous Settle- "ments."

The Succeſs of thoſe Adventurers exceeded their Expectations, and being inveſted by Dermod in many fair Tracts of Land, and rewarded with other Tokens of his Gratitude, and having forcibly poſſeſſed Themſelves of more, in his Name, and by his Permiſſion, they ſoon became Objects of Henry's jealouſy; who from the

firſt

firſt had determined to convert their Succeſſes to his own Advantage; and now wiſely reſolved to put his Deſigns into Execution, before the Welſh Adventurers were peaceably ſettled in their new Acquiſitions, and before they ſhould conſtitute a Power that might aſpire at Independence, and prove too formidable even for the Crown of England to reduce.

Furniſhed with a *Jure Divino* Title to the abſolute Sovereignty of the whole Nation, conferred upon him by the then King of Kings, in that ſacred Inſtrument of Inveſtiture, a *Papal Bull*, Henry repaired to Ireland; attended, however, with his beſt mark of Title, and ſtrongeſt Argument to ſupport it, a powerful Army; which there was neither Union nor Ability to oppoſe, either amongſt the native Iriſh, or the Welſh Adventurers; the laſt of whom immediately and prudently reſigned all the Fruits of their Expedition, to deprecate the Vengeance of a threatening Monarch, who affected to be highly incenſed at their preſuming, in any Reſpect

pect, to act for their own Benefit, of their own Authority, or without immediate particular Licenſe from Him; and they cheerfully accepted as Favours of Royal Grace, ſpecial Grants of what they had thus reſigned; which they now conſented and agreed to hold as Liege Tenants, under the King of England and his Heirs for ever.

Such Iriſh Chieftans, as, by their Neighbourhood to a Power they could not reſiſt, had ſufficient Reaſon to apprehend the worſt Effects of Uſurpation, which is ever ſupported by Cruelty and Violence, purſued the long practiſed Policy of their Countrymen, and by a well-timed but inſincere Submiſſion, diverted the impending Danger.

Thoſe who were more Remote declared War againſt the Invaders, and aſſerted their Native Independence, ſo far at leaſt as the continuing in Arms; declined to make any Submiſſions; diſavowed the Right any inferior Prince or Chieftan had

had to transfer his Allegiance to a Foreign Crown; and abſolutely denied that Henry had any Colour of Title to invade their Territories, and wreſt from them their ancient Inheritance.

Thus—the Foundations were laid, on which all the Evils this Nation groaned under for ſome ſucceeding Centuries aroſe; during the greateſt Part whereof, the Engliſh were ſufficiently employed to preſerve the Footing they had acquired, without extending their Acquiſitions in any conſiderable Degree; being on the contrary, frequently ſtraitened within narrower Limits, and reduced to great Diſtreſſes; rarely permitted to enjoy in Peace or Quiet for any Length of Time, even what by long Poſſeſſion, Iriſh Grants, and other colourable Means, they conſidered Themſelves lawfully entitled to.

The Iriſh Princes, who had entered into Treaties, made formal Submiſſions, and ſtipulated to become tributary to the Crown of England, never reſpected ſuch

Treaties

Treaties or Stipulations, longer than they were found abſolutely neceſſary for their own Security: nor can it well be imagined they ever intended to obſerve, with good Faith, Agreements their Fears or Policy led them to make with a pretended Sincerity, when invaded by Armies ſtrong enough to ſpread general Devaſtation over an unfortified Country, inhabited by a divided, ill diſciplined, and weakened Multitude, whoſe Chiefs, it was well known, always conſidered it prudent, to avert, by the Arts of Diſſimulation, Calamities, Reſiſtance might have drawn upon them: a Conduct peculiarly Politic and uſeful to them upon the preſent Occaſion, which, however, thoſe who have only ſuperficially looked into the Story and Manners of the Times may be ſhocked at, and eſteem it more juſt and noble, either to prefer a quiet Submiſſion to that Power they ſhould not oppoſe, or an honourable Death in the animating Cauſe of Freedom and National Independence, before what ſuch Spirits will term ignominious Meanneſs, or immoral and diſgraceful Treachery; but

but I am inclined to think they who ſpeak thus of the preſent Caſe reaſon upon wrong Principles; they conſider the Iriſh either engaged in a bad Cauſe, or at leaſt poſſeſſed of ability to defend their Nation and their Liberties; and in one or the other of thoſe Situations, the Part they then acted may juſtly be ſtyled wicked or diſhonourable. But if an unoffending, defenceleſs Citizen, dwelling upon his undoubted Patrimony, and enjoying his lawful Property, be required to yield Part of it to the ſuperior Force of an invading Banditti, and permitted to retain the Reſt upon ſuch Terms as rapacious Marauders in the Inſolence of unjuſt Power are pleaſed to dictate, being certain of complete Ruin unleſs he quietly comply, under ſuch Circumſtances to attempt a vain and fatal Oppoſition will undoubtedly be cenſured as Fool-hardy Madneſs; and I believe few Men will think the Laws of Morality infringed by a Diſregard of Promiſes or Obligations that evidently proceed from well grounded Fears and Apprehenſions of all the ſad and diſmal Effects ariſing

from lawleſs Force and bloody Violence. And to the Caſe I have here deſcribed one may fairly aſſimilate the Situation of the Iriſh in the firſt Ages of their Conteſts with the Monarchs of England: in Truth, both Sides played faſt and looſe with public and private Faith: Policy, Intereſt, and the Occaſion dictated the Conduct of both Parties; Deceit and Violence were retaliated by Deceit and Violence.---

The Engliſh, as is natural to imagine, lived many Years diſtinguiſhed from the Natives in Manners, Language, and Habitations; during which a mutual Animoſity againſt each Other univerſally prevailed: nevertheleſs, in a Courſe of Time, they contracted ſome Alliances with one another; the Engliſh ſometimes took a Part in the civil Wars and particular Quarrels of the different Iriſh Septs, from whence Intimacies and Connexions aroſe; the hoſtile Struggles between the Engliſh and the Natives, ſometimes terminated in amicable Accommodations; and the Intercourſe they

they neceſſarily had ſometimes brought about Alliances of a more domeſtic Nature; Iriſh and Engliſh Families intermarried; and it often followed, that particular Engliſhmen abandoned their Countrymens Laws and Cuſtoms, and, as their Writers term it, degenerated into mere Iriſh; while on the other Hand, the Iriſh frequently obtained leave to become Engliſh Denizens, and ſubject to their Laws and Cuſtoms. But the whole Kingdom, we ſhall ſee, was not governed by the Engliſh Laws 'till a very late Period. Hoveden ſays, the Reign of James; Sir John Davys, that of Queen Elizabeth; but it may well be doubted, whether it was until the Time of Charles the Second, in the Twelfth Year of whoſe Reign was paſſed the Act of Settlement, which Sir Audly Mervyn, then Speaker of the Houſe of Commons, in his Speech to the Duke of Ormond, calls Ireland's *Magna Charta*, that exceeded all former Submiſſions of the Body of the People of Ireland, and contained the moſt extenſive Grants on the Part of the Crown.

Yet Engliſh Writers and Hiſtorians ſpeak of Ireland, from the Time of Henry the Second, as a conquered Country. The accurate and judicious Dr. Leland ſpurns at the Thought with a becoming Indignation; he ſays, a Court Chaplain of the twelfth Century may be pardoned ſo ridiculous a Flattering of his Maſter Henry, but when the Profeſſor of Laws, in the Eighteenth Century, aſſerts in Form that Ireland was conquered by Henry the Second, and hence proceeds to eſtabliſh the formidable Rights of Conqueſt, he ſays he is called upon to ſtate the real Matter of Fact, of which he then gives the following faithful Summary.

" Some Engliſh Lords with their Vaſſals
" engage in the Service of an exiled Prince
" in one of the Iriſh Provinces. They have
" Towns and Lands aſſigned to them for
" their Service in aſſiſting him to recover
" his Dominions. They reſign their Acqui-
" ſitions to Henry, and are again inveſted
" with moſt of them, which they conſent to
" hold as his Liege Subjects by the uſual

Engliſh

" Engliſh Tenures; Henry, on his part
" promiſing, that theſe his Subjects in their
" new Settlement ſhall, with all their De-
" pendencies, enjoy the Advantage of their
" old Conſtitution, and be governed by
" the Laws of England. Several of the
" Iriſh Chiefs alſo ſubmit to pay Homage
" and Tribute to Henry; and in conſe-
" quence of their Ceſſions receive his Pro-
" miſe to enjoy their other Rights and Pri-
" vileges. Roderic, who claims a Superi-
" ority over the Others, after having bid-
" den Defiance to the Engliſh Monarch
" for a while, at Length, by a Treaty re-
" gularly conducted and executed, engages
" on his Part to become his Liegeman and
" to pay him Tribute; on which Condition
" it is expreſsly ſtipulated, that he ſhall en-
" joy his Rights, Lands and Sovereignties,
" as fully as before the King of England
" ever appeared or interfered in Ireland.
" No Contracts could be more explicitly
" or preciſely aſcertained. Accordingly
" the Engliſh Adventurers govern their
" Diſtrict by their own Model; the Native
" Chiefs, through far the greater Part of
" Ireland,

" Ireland, act independently of the En-
" gliſh Government, make War and Peace,
" enter into Leagues and Treaties amongſt
" each other, puniſh Malefactors, and go-
" vern by their own ancient Laws and
" Conſtitutions. And it requires but a
" moderate attention to the records of theſe
" Times to know what Degree of real Pow-
" er Henry acquired in Ireland ; and but a
" moderate Skill in Politics to decide what
" Rights he acquired, either over the En-
" gliſh Adventurers, or the native Iriſh, by
" his federal Tranſactions with each ;
" whether we conſider the grounds of his
" Invaſion, or the Nature and Extent of
" their Submiſſions, or the Purport of his
" Stipulations."

Mr. Blackſtone, either from Ignorance of the hiſtory of this Country, or, what is hard to ſuppoſe, at the Expenſe of Truth and his own Conviction, reſolved to lay down ſome Ground, and eſtabliſh ſome ſpecious Principle, as far as poſſible, to ſupport particular Acts of the Britiſh Legiſlature, on which he certainly had his eye ; and to ſanctify what

what he found to be the Language and Effect of Engliſh Statutes, an Authority for which he has not in every Inſtance the ſame blind Reſpect, and his Invention not Serving him with any other than the Right of Conqueſt as the Original of that Superiority ſuperior Sates exerciſe over inferior, conſtituting a Dependency, by which the inferior is bound, or at leaſt compelled, to conform itſelf to the Will or Law of the Superior, he roundly aſſerts that Ireland was conquered by Henry the ſecond, and what makes it the more aſtoniſhing, is, that he *aſſerts* it; he who ſo warmly denies that England was conquered by William the Norman, he whoſe Patriotiſm was rouſed, zealouſly to obliterate the opprobrious Idea out of the Laws and Hiſtory of his own Country; and who yet does not heſitate raſhly to fix it upon Ireland.

No Man who knows the Hiſtory of Ireland, its Situation, Trade and Connexions; who has its Intereſt at Heart, who glories in the Proſperity of the Britiſh Empire, as every patriotic and loyal Iriſhman aſſured-

ly does, will ever wiſh to ſee its Dependence upon the Britiſh Crown ſhaken, or in the ſmalleſt Degree diminiſhed, or its Intereſts diſunited from thoſe of Great Britain. But the Nature of that Dependence ought to be clearly defined and aſcertained, and ſhould never be violated or infringed by any Power on Earth.

In the firſt Place then, all Conſequences to be derived from the Right of Conqueſt muſt be laid out of the Queſtion; after this, a ſhort hiſtorical Deduction of the Origin, Riſe, and Eſtabliſhment of the King of England's Sovereignty, the Operation of the Laws of England, and the adopting a Government and Conſtitution, the ſame with that which is the pride and true ſtrength of England, will, perhaps, furniſh a clearer Comprehenſion of the Subject, than any Thing elſe; a Detail into which, the following general Remarks may ſmooth the Entrance.

They who quit their native Country, to ſeek a Settlement in Some other Part of the World,

World, take with them whereever they go, as their Birth Right, the Laws of their native Country, and a Power to exerciſe them in their full Extent; unleſs they go into the Territories of ſome other State, that will not ſuffer them to retain their own Laws, in which Caſe their own Laws are neceſſarily Suſpended, and they become ſubject to the Laws and Government under whoſe Influence they ſo transfer themſelves: but the State to whoſe Dominions they remove may permit them ſtill to retain their own Laws and Cuſtoms, and live a ſeparate independent Body: and Coloniſts or Emigrants are not in any Caſe, by the Law of Nature or Nations, Subject to the People of their Mother Country, ου γαρ επι τω δηλοι, αλλ επι τω ομοιοι ειναι εκπεμπονται, as Grotius ſays in the Words of Thucydides. Lib. 2. c. 9. § 11.

If Men remove as private Adventurers, to an uninhabited and unappropriated Part of the Globe, neither within the Territories of their own native State, nor any other, ſuch Planters become abſolutely and excluſively

cluſively entitled to their Settlements, by the mere Right of Occupancy: they take with them their native Laws, if they chooſe to adopt them in preference to any other Syſtem; and they form a State perfectly independent of the reſt of Mankind: they return as it were into a State of Nature, and may either Set up a new Form of Government, or adopt that under which they were born: they may if they think proper acknowledge the Sovereign of their Mother Country to be their ſovereign, or they may let it alone.

And laſtly, if they remove, whether as private Adventurers, or under the Authority and Licenſe of their native Sovereign, to any Place out of the Juriſdiction of their native Laws, but within the Realms of their Sovereign, they gain no other Right to the Lands of which they may poſſeſs themſelves, than is acquired by mere Occupancy, until they obtain ſpecial grants and Charters: but their native Laws are in this Caſe their unalienable Birth Right, annexed to their Perſons, and which they take with them whereever

whereever they ſettle (except in the ſingle Inſtance pointed out above, and there they are not loſt but only ſuſpended) : their native Sovereign is ſtill their Sovereign, while they reſide within his Realms ; and it is his Duty as the Supreme executive Magiſtrate, nay he is indiſpenſably bound, to give them a Conſtitution, conformable to that which they lived under, and enjoyed before, and ſuch as will beſt Secure to them the Enjoyment of thoſe Laws that where their Birth Right. And whither-ſoever Engliſhmen remove, and under whatever Form of Government they ſubſiſt, and whereever we may ſuppoſe the Sovereignty to reſt, whether in the Crown, or in the Legiſlative Conſtitution of the Mother Country, every Act of Sovereignty over ſuch Emigrants, ſhould be to eſtabliſh the Laws and Conſtitution of England amongſt them, and to confirm to them, what they had an anterior Right to poſſeſs. There exiſts not any where, in Prince, or Mother Country, any Power whatſoever, from which any Thing can conſtitutionally flow, to derogate from that their Birth Right.

Right. This Reaſoning can be carried ſtill further; it extends to all thoſe who are acknowledged Subjects by the Prince or Sovereign; they from the Moment of ſuch an Acknowledgement, become entitled to the Laws and Conſtitution over which the Sovereign preſides; and ſo long as they pay due Obedience to thoſe Laws, they ſhould enjoy the Benefit of them in their full extent. This is the Language of our Laws, and theſe are ſome of the Principles, on which the reciprocal Duties of Protection and Obedience are founded.

And it is not only the Language of our Laws, but this political Right of the Subject is founded on Nature itſelf, and on the Law of Nations; and therefore, when the Engliſh ſettled in Ireland, they took with them, as their Birth Right, the Engliſh Laws and Conſtitution: their Prince interfered and ſecured to Himſelf and his Heirs, by their Conſent, that Sovereignty, to which he was apprehenſive, a People ſettling in a Country not within the Bounds of his Realm, might be perſuaded by the

Allure-

Allurements of Independence to imagine they did not neceſſarily owe Obedience. And this fixes the great point of the Caſe, ſo far as it affects the Engliſh Settlers; the Crown acknowledges them Subjects; they acknowledge the Sovereignty of the Crown, "and become inſeparably connected and "conſolidated with the Realms of the Kings "of England."

This alone gave them an immediate Title to the Laws and Conſtitution of England, to be adapted to their Situation and Circumſtances in Ireland; and of this Conſtitution the King of England (now become their King, though by another Name, being only called Lord of Ireland,) conſtituted an eſſential Part.

The Engliſh Laws then were coeval with the Poſſeſſion of Lands in Ireland, and even though the Engliſh had not been entitled to them as their Birth-Right, they neceſſarily aroſe upon the Tenures between Henry and his Subjects there, and were fur-

ther

ther ſecured to them by their expreſs Compact with him.

The King neither had, at any Time previous to this Compact, nor ever after could have, a Right of Legiſlation, independent of the Nature and Forms of that Conſtitution, their Title to which they had now confirmed to them; nor indeed does our Hiſtory furniſh us with a ſingle Inſtance, in which the Crown ever retained or poſſeſſed a legiſlative Authority over any People, whether conquered or Coloniſts, after they had been acknowledged Subjects.

As to the People of England, they were not Parties to thoſe Tranſactions between Henry and his Iriſh Subjects; they had no Right to interfere, and for this Reaſon they did not interfere: the Expedition of the Welſh Adventurers was not undertaken by the King, nor at the Public Charge, nor with a view of making Conqueſts. No Rule of Reaſon, no Law of Empire or of Nations, could take away or impair that Equality,

Equality, on which thoſe Adventurers ſtood at Home, and reduce them to an Inferiority to their late Equals and fellow Subjects, merely becauſe of the adventitious Circumſtance of a voluntary Change in their Place of Abode, to a Land, then confeſſedly without the Limits of the Empire.

So ſoon as they were brought within thoſe Limits, and the Rights of both Parties, Crown and People, *Imperium et Libertas*, were aſcertained and united, a Diviſion was made without Delay, of the Engliſh Diſtricts, into Shires or Counties, which were enlarged and new modelled as their Territories increaſed; Sheriffs and other public Officers were appointed, and Chief Governors nominated by the King to repreſent him the executive Branch of their Conſtitution; the Engliſh Government and Laws were to be executed only within the Engliſh Pale, and none but Engliſh ſubmitted to them.

The Iriſh preferred their own *Brehon* Law, and in thoſe Days, would not, even where

where the Engliſh Juriſdiction extended, ſubmit to be governed by any other; nor did Henry or his Subjects attempt to impoſe any other upon them.

The Engliſh Settlement was in a very weak State when Henry died, and was not much improved in the Time of Richard; a Prince ſo remarkably inattentive to its Intereſts; which, as well as the Intereſts of England, he ſacrificed to carry on a Religious War in Paleſtine, that in his Reign many of the Engliſh Poſſeſſions were evacuated, and the Reſt maintained with Difficulty.

But the Reign of John was diſtinguiſhed by Tranſactions of ſome Concern: hitherto the ignorant and precarious State of the Adventurers rendered it neceſſary, in difficult Caſes, to apply for an Explanation of the Law to the Engliſh Courts of Judicature, where impartial Judges preſided, and the Laws were well underſtood. And this Appeal was at firſt made to the King, in his own Perſon, as King of Ireland; tho

Lel. v. 1. p. 189.

the Power of Judging in the dernier Reſort having been in the King, as an inherent Quality in his Crown, upon the Principle, that, *Si ceſſat Judicare ceſſat regnare.* The King, upon ſuch appeals being made to him, regularly referred the Caſes to his Juſtices, who then always attended his Perſon, in the *Aula Regia*, and they either affirmed or reverſed the Deciſions made in Ireland; which, having been repeatedly and invariably done, it ſoon, in order to ſave the King Trouble, and prevent a circuity of Buſineſs, became the Practice to bring their Writs of Error immediately before that Court, which they found by long Experience, had ultimately decided upon their Appeals to the King. Thus it was that Writs of Error, in the Nature of Appeals to the King's Bench of England, had their Birth and Progreſſion; not that it neceſſarily followed, that becauſe the Laws of Ireland, as Part of the Dominions of the Kings of England, were the ſame with thoſe of England, the Adminiſtration of them ſhould be by and under the Juriſdiction

Hob State Trials. Vol. 7. p. 110. Wraynham's Trial.

riſdiction of the Courts of England; nor
Vaughan. 401, 410, 411. "that (as ſome Engliſh Lawyers ſpeak) "without ſuch Writs the Law appointed "or permitted to the inferior Kingdom "might be inſenſibly changed within it-"ſelf, without the Aſſent of the Dominion "Superior; nor that Judgments might be "given to the Diſadvantage or leſſening "of the Superiority, or to make the Su-"periority to be only of the King of En-"gland." The Practice had its Origin in the Ignorance and Neceſſities of the People; and their, and their King's Eaſe and Convenience gave a Juriſdiction, in thoſe Caſes, to the King's Bench of England; it was not then looked upon as the Mark of Dependence, nor eſteemed a Badge of Slavery; thoſe are Ideas of much later Times; but yet it was eſteemed a Grievance, which Grievance aroſe, in a great Meaſure, from their not having in Ireland any written Syſtem of Laws: the People complained, and John, at the general Deſire of his Iriſh Subjects, procured a Collection of the Engliſh Laws, and left this written Code in Ireland for their Uſe, ſanctified,

ſanctified, as Lord Coke ſays, by the Conſent of the Iriſh Parliament. Courts of Judicature were eſtabliſhed in Dublin, and a more perfect Diviſion made of the Land into Counties or Shires.

In the Reign of Henry the Third, the famous *Magna Charta* was given to the King's Subjects in Ireland, and Royal Mandates iſſued for the Obſervance of the Engliſh Laws, which many began to neglect attending to, becauſe it was a Syſtem unfavourable to the diſordered State in which a Majority of the Engliſh in Ireland preferred to live.

The Acceſſion of Edward brought little Advantage with it. The Parliament indeed, if it then deſerved that Name, was aſſembled ſomewhat more regularly than thoſe Aſſemblies had uſually been. The fatal and unhappy Government of the ſpeedily depoſed Edward the Second was felt in Ireland, as well as England; and when Edward the Third came to the

Throne, the Nation was in a wretched State.

But it received ſome Improvement in his Time. "Hitherto, in all erroneous "Proceedings of their Courts, they had "been obliged to ſeek Redreſs in En- 1 Lel. p. 312. "gland; but their own Parliaments were "now to take cognizance of all ſuch Mat- "ters, and to decide the Rights of the "Subjects, without expoſing them to un- "neceſſary Trouble and Expenſe." Little did the Engliſh Parliament, and much leſs the Engliſh Houſe of Lords, then aſſume any legiſlative or judicial Authority whatſoever, either over the People or the Laws of Ireland. The appellant Juriſdiction of the Lords, even in England, in that Extent in which it is now exerciſed, was of a much later Date, and was occaſioned by the Corruption and Miſbehaviour of Lord Keeper Bacon, although Bl. 3 V. p. 454. feodal Reaſons are given for the Peers having the final Determination and Right of Appeal from all ſubordinate Courts. However, every Reaſon there is, why the Britiſh

tiſh Houſe of Lords ſhould ultimately decide upon Matters ariſing in Great Britain, holds with equal Force in favour of the Iriſh Lords, as to all Queſtions reſpecting Ireland: yet, this only by the by: I do not mean to diſcuſs the Queſtion, as it may, perhaps, be Dangerous at this Day to ſhake Determinations, upon which the Title to ſo much private Property depends; and eſpecially, as the People ſeem in general ſatisfied with the Determinations of the Britiſh Lords, and to think them rather more juſt, equitable, and impartial than the former Determinations of their own Peers; and it may be ſaid, *Communis Error facit jus.*

However, one Thing is not a little Unaccountable, wherefore Iriſhmen will ſo often chooſe to convey, ſettle, and obtain Powers over their Eſtates in Ireland, by the Mode of Conveyance by Britiſh, rather than Iriſh Acts of Parliament: an Iriſh Jury may poſſibly refuſe to admit the One to be ſufficient Evidence of a Title,

but can never refuſe to allow full Effect and Authority to the Other.

Ordinances alſo were made by Edward, for the Regulation of Church and State, and for the holding their Parliaments according to the Inſtitutions of England, from which Time, Lord Coke ſays, they were properly Parliaments, the Conventions in Ireland being before rather Aſſemblies of Great Men, than regular Parliaments. In
4th Inſt. the Year 1367, the remarkable Parliament of Kilkenny was held, and the Statute of Kilkenny paſt to reform the Engliſh Subjects in Ireland, from their Degeneracy into the Iriſh Cuſtoms and Manners. And the *Brehon* Law, which they had ſuffered to govern them, in many Inſtances, inſtead of the Laws of England, was aboliſhed as a lewd Cuſtom crept in of later Times.

The latter End of Edward's Reign exhibited a new Phænomenon in the Capital of England; a Number of Repreſentatives of the Iriſh Subjects aſſembled in London, by

by the Kings Summons, upon the great Affairs of the Iriſh Nation, and in order to grant a Supply: but although the Repreſentatives were ſent, in Reverence to the King, they were not enabled to grant any Supplies; and their Conſtituents remonſtrated againſt the whole Proceeding as illegal, and contrary to their Conſtitution, Rights, and Privileges.---So it is not to be ſuppoſed the Meeting produced any remarkable Effects, nor have we any Account what the Reſult of it was; but we know the Meaſure was never afterwards repeated, and if we may collect any Thing from hence, it is that their Liberties were not impaired, but rather confirmed and improved, by an unſucceſsful Attack upon them. 1 Lel. 328

Richard the Second paid Ireland two Viſits, in order to Subdue the Natives, and reduce them to Obedience. In the Accounts he tranſmitted to England, he points out himſelf the Three Diſtinctions of Inhabitants in Ireland; the Iriſh Enemies; the Engliſh Subjects; and the Rebels of either Race:

Race: with the firſt "he concluded a
1 Lel. 345 347. "deceitful and precarious Accomodation,
"with careleſs and precipitate Eaſe, and
"left all Affairs as they were before, un-
"der an appearance of Tranquillity; and his
"ſecond Expedition was ſtill more diſ-
"graceful, as he was compelled to retire
"with a diſtreſſed numerous Army."

For during thoſe ſeveral Reigns the Engliſh were almoſt inceſſantly diſturbed by the Wars and Inſurrections of the native Iriſh, which were attended with various Succeſs, but always deſolated the miſerable Country. Treaties were violated on both Sides, and though the Iriſh were peculiarly fickle and inſincere in all their Engagements, yet many of thoſe Diſturbances were owing to the Barbarities and Injuſtice of their Invaders; to the repeated Depredations of the Engliſh; to the laviſh and unadviſed Grants made by the Kings of England of Lands in the Iriſh Provinces, over which they had no legal Authority, and the Oppoſition therefore given by the old Proprietors to the Claims of new Settlers.

The

The Iriſh Natives enjoyed no Benefit of the Engliſh Laws or Conſtitution, nor did they extend to or bind them. In their earlieſt Stipulations, the Preſervation and Currency of their own old Laws and Cuſtoms was provided for, by thoſe who became Tributaries to the Crown of England. Thoſe who had not ſubmitted conſidered themſelves perfectly independent, and when aggrieved they regularly appealed to the Sword. At Times, indeed, they felt the Sharpneſs of their Diſtreſſes ſo ſeverely, that they petitioned the Throne of England to be admitted to the Rights of Subjects, and the Benefit of the Engliſh Laws; but their Petitions were referred to the Aſſemblies or Parliaments of the Kings Subjects in Ireland, and rejected or avoided by the unaccountably narrow and confined Policy of a turbulent Faction, who looked for Nothing but the Advantages of Rapine, and Plunder, amid Scenes of Violence, Public Diſtreſs and Confuſion. Thus the native Iriſh kept themſelves free and independent at the Beginning, and were compelled to remain

remain ſo, when they would willingly change their Situation.

Here I am induced by this View of the State of Things to reſume the Subject of Conqueſt, and, with Reſpect to Ireland, ſhow its Abſurdity in the moſt glaring Colours. I do not mean that I will endeavour to prove, what is too evident to require any other Proofs than have been already procured; to wit, that Ireland was not conquered: nor ſhall I enter into a Diſquiſition of the Nature and true Properties of Conqueſt. Mr. Lock, and others have done it in a maſterly Manner, and their Works are in the Hands of every Man; and the Queſtion, as to Ireland, has been very fully and very learnedly diſcuſſed. But Fxperience ſhows, that Philoſophical Truth is ſeldom the Rule of State Policy: the Dread of a national Oppoſition, and the Danger of provoking even a tamed and gentle Lion, by wantonly pulling his Beard, are Arguments of more Weight in the Cabinets of Princes; and ſhould have ſome Influence upon the preſent Queſtion, when we ſee,

what

what are the Conſequences of ſuppoſing Ireland a conquered Country, and who are the Perſons to be affected by thoſe Conſequences.

Whatever the Effects of Conqueſt are, it is natural to ſuppoſe they take Place at the Time of, or ſoon after, the Conqueſt. In Ireland, the People ſubject to the Laws of England, or the Engliſh Monarch, for Ages after the Era of this ſuppoſed Conqueſt, are the Engliſh themſelves, and they only, the ſuppoſed Conquerors, the very Men and their Deſcendants, whoſe Valour gave them a Footing in this Land, and who, as the Reward of the Blood they ſpilt, the Glory and Power they acquired for their Country, are to be reduced to a State of Dependence infinitely below the Situation of the meaneſt Ruſtic in Great Britain, the loweſt of whom can claim the great Privilege of being bound by no Law, to which he has not actually or virtually given his conſent. And what is the Importance of the Men, who have had the good Fortune to be victorious, and the Misfortune to be threatened with Ruin by their

their Victory? Mr. Blackſtone tells us: after aſſerting that Ireland was a conquered Country, he ſays (and we may take it upon his Authority as it does not ſerve the opinion he has hazarded) "that the Inhabitants
1 Bl. p. 99. "of Ireland are for the moſt part deſcend-
"ed from the Engliſh, who planted it in
"the Reign of Henry the Second, and
"carried over the Engliſh Laws along with them." And then he ſays, "that as Ire-
"land, thus conquered and planted, ſtill
"continues in a State of Dependence, it
"muſt neceſſarily conform to, and be obli-
"ged by ſuch Laws as the ſuperior State
"thinks proper to preſcribe."

It is well the great Conſtitutional Rights of ſome Millions of loyal Iriſh Subjects, cannot be conjured away by the impotent Breath of an Engliſh Lawyer; but ſtill, the invaluable Rights of ſo large a Body, amongſt whom there are many wealthy, many brave and ſpirited Men, ſhould not be ſo ſhamefully trifled with; they are too ſacred to be ſo profanely handled. And though what he ſays upon this Occaſion be

be mere Aſſertion, too little ſupported, by either Reaſon, Truth, or Argument, to require a formal Refutation; yet, the learned and elegant Writer, whom in this Particular I have preſumed to cenſure, is an Ornament to Mankind, and an Honour to his Country; his great and extraordinary Merit elevates his few Faults to a more conſpicuous Height. Seeing a Thorn in a beautiful Collection of the rareſt and choiceſt Flowers, we are apt to look on it with too much Attention: I wonder how it got there, and wiſh to ſee it plucked out by himſelf.

When I in this Manner take Notice of Mr. Blackſtone's Doctrine, I do it, becauſe even an haſty Opinion, delivered by ſo great a Man, may prejudice a ſuperficial Reader. But to ſhow ſufficiently the Weakneſs of the Proofs and Arguments uſually relied on, to ſupport the Idea of Ireland being properly bound by Acts of Parliament made in England, I have only to repeat thoſe that are inſiſted on by another judicious, and in general accurate,

Pa. 146. rate Writer, and a ſhrewd Obſerver, Mr. Barrington, in his Obſervations on ancient Statutes, mentions a Note on the Roll of the Engliſh Act, of the 21ſt Ed. I. which ſays, that Statute was ſent by the King into Ireland, to be publiſhed, proclaimed, and obſerved, where it ought to be ſo, *in Locis quibus expedire viderit*; and he cites from Rymer's Collection, an Order of Charles the Firſt to the Treaſurers and Chancellors of the Exchequer, both of England and Ireland, to increaſe the Duties upon Iriſh Exports; and theſe are the only Proofs or Inſtances he uſes; from the firſt of which he argues, that Ireland could formerly have been bound and taxed by Laws and Orders made by the ſole Authority of the King, and a *fortiori*, that it might, by an Engliſh Act of Parliament.

I hope theſe are Proofs of ſuch a Nature as may ſafely be left to the Obſervation of every Reader, without any Comment on their Weakneſs and Abſurdity. Is a Note on the Roll of an ancient Statute, lying in the Archives of England, that it was tranſmitted

mitted into Ireland to be publiſhed and obſerved, any Proof that it was ſo publiſhed and obſerved? Surely not. To ſuppoſe for a Moment, that it had been afterwards publiſhed and obſerved in Ireland, is that Note, or even the Publication and Obſervance of it, in any Meaſure a Proof that it was done without the previous Conſent of the King's Subjects in Ireland? Surely not. On the Contrary, we have the ſtrongeſt Reaſon in the World to lay it down, that that Statute of 21 Ed. I. never was received in Ireland, the 3d of Ed. II. being the firſt Law in the printed Collection of Iriſh Statutes. And here it is worth remarking, that the Words of this Note, *in Locis quibus expedire viderit*, afford a ſtrong Confirmation of what has been before aſſerted, that in thoſe Days the Kings of England did not even pretend to poſſeſs a Dominion over the whole Iſland. As to the other Authority or Proof from Rymer, by which it is to be proved that Ireland may be bound by Laws made in England, becauſe there exiſts an Order of Charles the Firſt to levy Taxes there; I. believe

believe Mr. Barrington, King Charles, or his Secretary or Treaſurer only, could ſeriouſly produce ſuch Evidence for ſuch a Purpoſe. One is apt to think Mr. Barrington could not have been Serious, for ſoon after when he obſerves upon the 25th Ed. I. which provides, that the People ſhall not be taxed againſt their Conſent; he ſays, the Commons became thereby an important Branch of the Legiſlature, he with Exultation boaſts *Scilicet et rerum facta eſt pulcherrima Roma*, and then aſks "can it be imagined that this Parliament would have "permitted the King to levy Ship Money?" Surely I may aſk, can it be the ſame Man, who from a Copy of an Order, ſuppoſed to be ſigned by the very Prince who loſt his Head for levying Ship Money, ſtrives to prove, that Ireland could be taxed by the King's ſole Authority? admitting, for the Sake of Argument, that the Kings of England had ever exerciſed a Legiſlative Authority in Ireland, without the Interpoſition of either Engliſh or Iriſh Parliaments, and that they had a Right to do ſo, does it follow, as Mr. Barrington aſſerts, a *fortiori*, that

that the Engliſh Parliament had the ſame Right? the true Concluſion muſt be the very reverſe; it muſt be, that if ever ſuch a Power was exerciſed by the Kings of England, it was becauſe they were conſidered abſolute Sovereigns of Ireland, independent of England, otherwiſe the Engliſh Parliament had never permitted ſuch a Violation of their Rights; at leaſt, we ſhould have ſome Inſtances, in thoſe early Times, of their interpoſing with Effect, in a legiſlative Capacity, in the Affairs of Ireland. But it is Time to return from this Digreſſion, and purſue our Detail of the Engliſh Laws and Power in Ireland.

Of the three Reigns ſucceeding that of Richard the Second, the Purpoſes for which I write require very little to be ſaid; the different Claims of the Houſes of York and Lancaſter extended their Effects to Ireland, and the Uſe ſometimes made by the Chief Governors of that Power which was conferred on them by the Crown, and thereby giving the Royal Aſſent to

Laws injurious to the Reigning Family, and the Engliſh Nation, contributed to render a Meaſure neceſſary which was afterwards adopted, in Order to prevent ſuch Abuſe of the Royal Name by limiting the Deputies Authority. But thoſe, as well as the following Reigns of Edward the Fourth, Edward the Fifth, and Richard the Third, exhibit a wretched Proſpect of ſorry and ridiculous Politics, unworthy Conteſts, Factions, and Treaties, as well between the Engliſh Subjects and the native Iriſh, as between the degenerate Engliſh Lords reſiding in Ireland, and a deſpicable Government, whoſe Weakneſs excited and encouraged their Contempt and Inſolence. Whatever Laws were enacted in Parliament were deſigned merely for the Engliſh Territory, and even there were ill obeyed, and often diſregarded.

The Views of Henry the Seventh ſeem to have been more comprehenſive, and the Laws enacted in his Reign, though their immediate Operation was extremely confined,

fined, and not at the Time intended preſently to affect the Native Iriſh, yet, they were ſuch as were calculated to expand, as the Engliſh Territory ſhould happen to be enlarged; and they have accordingly at length diffuſed their Influence over the whole Nation. Thoſe moſt worthy of particular Notice were, the Act by which the Method of calling Parliaments is eſtabliſhed, and that which introduced all the Statutes that had been before made in England. The Nature and Hiſtory of the firſt of thoſe Acts are impartially conſidered and related by Dr. Leland; the laſt explains itſelf, and any further Comment on them, were a Treſpaſs on the Reader's Patience.

Henry the Eighth purſued the ſame Meaſures in Ireland, which he had ſo ſucceſsfully proſecuted in England, and he met in the Iriſh Parliament a Compliance equally obſequious; he was declared Supreme Head of the Church, and entitled King of Ireland. Several Religious Houſes were ſuppreſſed, and the

2Lel.164 Oath of Supremacy appointed to be taken as it had been enacted in England.

The Reformation in Religion, which in the Time of Edward the Sixth had made a rapid Progreſs in England, was but ill received in Ireland. The Pope neither neglected ſtimulating the Iriſh Papiſts to an Abhorrence of the temporal Encroachments made by Henry the Eighth, nor of the Religious Innovations attempted to be impoſed in the Time of his Succeſſor, upon a bigotted and reluctant People; and the little Advances made towards a religious Reformation were ſoon effectually ſuppreſſed by the zealous Rigour of Queen Mary.

Bur. Ab. Hiſ. Ref. L.2.p.76

In her Reign, ſome Lands that had been added to the Engliſh Pale, by the Submiſſions of the old Iriſh Proprietors, were converted into Shires, and thus became Subject to the Engliſh Laws. Her Iriſh Parliament cheerfully concurred with her in reſtoring the Papal Authority, and eradicating the Seeds of a Reformation, which had

2Lel.213

had been ſo newly planted in an unkind and ill cultivated Soil.

However, the cruel Temper of this bigotted Princeſs, or, to put her Conduct upon the moſt charitable Footing, of her Confeſſors and Miniſters, during her ſanguinary Reign, and the barbarous Uſe of the Power which they poſſeſſed, and which they exerciſed in England with a ſhocking Extravagance, was converted, by the benign Providence of God, into a powerful Inſtrument of his gracious Will; and inclined all thinking People to embrace, with unſpeakable Ardour and Heartfelt Pleaſure, a Reformation, founded on the milder Principles of Chriſtian Charity, tender Compaſſion, and univerſal Benevolence.

And alſo enabled Elizabeth to ſurmount Difficulties and Dangers, whoſe unuſual Magnitude and Terror only ſerved to add Luſtre and Glory to the Cauſe in which ſhe ſo ſucceſsfully laboured.

Ireland, which from the Time of Henry the Second to the preſent Reign, had not enjoyed Seven Years Peace together, was ſtill almoſt as far, as in any other part of that Period, from a general Acknowledgement of the Sovereignty of the Crown of England.

Even within the Engliſh Pale many of the Chief Inhabitants were Iriſh Papiſts, aboriginal Natives; the reſt were Popiſh Deſcendants of Engliſhmen, poſſeſſed of a great landed Property, powerful both in the Country and in the Cities, who had hitherto been admitted into the principal Offices, civil and military; were appointed Sheriffs and Juſtices of the Peace, and filled Places of Honour and of Command in the Army: Offices from which, becauſe of new Diſqualifications, they were now to be excluded; and which after the Acceſſion of Elizabeth were almoſt entirely filled with Proteſtants. Thereby, the Diſguſt before conceived by Religious Prejudices was aggravated to the moſt malicious Hatred. The Artifices and Machinations

nations of the Pope conſpired with the open Hoſtilities and powerful Invaſions of the Spaniards, to excite a general Averſion to the Government of a Proteſtant Queen.

She nevertheleſs procured ſuch Acts to be paſſed by her Parliament there, as were then neceſſary to weaken the Enemies of her Government, and ſtrengthen the Hands of her Friends. The Iriſh Conſtitution was not yet ſo regularly eſtabliſhed, but that the Crown was able to collect a Parliament ſo compoſed, that a Majority of the Members were avowed Fautors of the Reformation; and it was evidently ſeen that the Kingdom would never peaceably ſubmit to a Proteſtant Prince, while the Popiſh Religion was ſuffered to prevail; which it inevitably muſt, ſo long as Papiſts were ſuffered to continue in Offices of Power, Truſt, and Confidence. To this political Conſideration acceded alſo the Duties of Religious Reformers, and together clearly evinced a Neceſſity of enacting Laws againſt Papiſts, and Popiſh

Recuſants, which every Idea of good Policy and common Senſe rendered in a great Meaſure expedient at that critical Seaſon, when the Thunder of the Vatican had not entirely loſt its Force, and its whole Artillery was levelled againſt Elizabeth; while ſome of the greateſt Powers of Europe ſtill conſidered it their own Intereſt to prevent the Papal Authority from falling into total Diſrepute; and in a Country whoſe Inhabitants were immerſed in the darkeſt Ignorance, and by its inſeparable Concomitant, a blind Credulity, had imbibed deep-rooted Prejudices, and contracted an Enthuſiaſtic Veneration for the moſt abſurd and illiberal Superſtitions; and while the Queen herſelf was obliged to the ſtricteſt Exerciſe both of her Wits and Power, to counteract and defeat the open and the ſecret Attacks of her Foreign and Domeſtic Enemies.

It muſt at the ſame time be confeſſed that, even under theſe alarming Circumſtances, the Severity of thoſe Penal Laws appears

appears to be much more than adequate to the Miſchiefs they were deſigned to remedy, the Danger to be avoided, or the Good to be produced by them; it being an allowed Principle in Legiſlation, that public Miſchiefs are moſt effectually provided againſt, and public Benefits moſt certainly attained, by Penalties and Proviſions whoſe exceſſive Severity does not prevent their complete Execution; an Obſervation ſufficiently verified by the Fate of thoſe Laws. Vid. 1 Mary, ſta. 1, ca. 1.

The Penalties and Diſabilities a Majority of the People were thus ſubjected to were naturally productive of much Diſcontent. This was fomented by the Emiſſaries of Rome, and the Arms of Spain. The Rapaciouſneſs of thoſe who had been empowered to ſettle ſuch Parts of the Nation as had devolved to the Crown by Forfeitures, Submiſſions, and voluntary Surrenders; and who exerciſed their Power in many Inſtances unjuſtly, with a wanton and unprovoked Inſolence and Oppreſſion, and with little Attention to the Claims

Claims of innocent Proprietors, increaſed the Diſaffection. The Cauſe of an ancient Religion, which it was deemed meritorious to ſupport, was employed by a crafty Prieſthood, as Fire to inflame ſuch combuſtible Materials. And by ſuch Means and Provocations the greateſt Part of the Nation was at different Times excited to riſe in Arms, and oppoſe the Queen's Authority; which in the End, fortunately triumphed over all its Enemies, and ſo completely extinguiſhed the Spirit of Faction and Rebellion in Ireland, that before her Death the whole Nation diſcovered a Temper to ſubmit themſelves to her Sceptre, and receive the Engliſh Laws.

Whereby James found the Country in a State ſuited to his Wiſhes, and prepared for a general Reformation of its Police and Conſtitution; nor can it be denied, that he laboured with a royal and paternal Care to effect this great and good Deſign; although the Methods he was adviſed to purſue

purſue were not always the juſteſt or wiſeſt.

He incorporated ſeveral Towns, and gave them the Power of ſending Repreſentatives to Parliament: an Exerciſe of regal Prerogative only warranted by the Infancy and Imperfections of the Conſtitution. Many odious Laws that had been formerly enacted againſt the Native Iriſh were repealed; the Laws againſt Papiſts and Recuſants were not ſtrictly executed; yet their Penalties and Diſabilities exiſted, and were eſteemed an intolerable Grievance; and to ſpeak impartially, there are few more dangerous Grievances, than the dormant Penalties of ancient Statutes, which by not being executed may be forgotten by the People, and like a Pitfall, concealed by the Cobweb covering of Time, deſtroy the unſuſpecting and unwary. The Rage of reforming the Nation, and ſettling their Lands and Tenures, was carried to an injurious Length; a general Reſumption was made of former Grants, ſtrict Inquiries made into defective Titles, and many

many People forced to purchaſe new Confirmations of their Eſtates by unreaſonable Compoſitions, if any legal Informality appeared in their Grants or Titles.

Many Enemies againſt the Government were thus raiſed, at a Time when the moſt impartial Diſtribution of Juſtice, had beſt conciliated the Affections of a People but newly reconciled to the Crown of England.

The reformed Religion was eſtabliſhed by Law; yet at this Time a regular Hierarchy and Subordination of Orders and Offices was inſtituted throughout the Kingdom by the papal Power, whoſe Exiſtence depended on retaining the Affections of the Papiſts, whom they therefore artfully courted, and eaſily embittered againſt the eſtabliſhed Church, by infuſing into their Minds the moſt pernicious Doctrines: the horrid Effects of which were yet concealed within the ripening Bud, and the preſent Seaſon happily eſcaped.

While

While amid much Diſaffection, the Face of the whole Country wore for a Time the Smiles of Improvement; and, as that beautiful Hiſtorian, Lord Clarendon, ſays, "Ireland, which had been a Spunge to "draw, and a Gulph to ſwallow all that "could be ſpared, and all that could be "got from England, merely to keep the "Reputation of a Kingdom, was reduced "to that good Degree of Huſbandry and "Government, that it not only ſubſiſted "of itſelf, and gave England all that "might be expected from it, but really "increaſed the Revenue of the Crown "Forty Thouſand, or Fifty Thouſand "Pounds a Year, beſides a conſiderable "Advantage to the People by the Traffic "and Trade from thence; Arts and Scien-"ces being fruitfully planted there; and the "whole Nation beginning to be ſo civilized, "that it was a Jewel of great Luſtre in the Royal Diadem." Many wholeſome Laws were paſſed; the moſt valuable Engliſh Statutes enacted ſince the Reign of Henry the Seventh were adopted, and other uſeful Schemes ſet on Foot.

The

The bright, but too ſhort lived Serenity of this Proſpect was ſoon ſadly ſtained. The civil Commotions of England removed the Apprehenſion of that Power, which alone had for ſome Time awed the Diſcontented Iriſh into unwilling Submiſſion.

Along with the latent Jealouſies and Diſcontents before pointed out, the arbitrary Proceedings of their Chief Governors upon too many Occaſions were ſeverely felt, and highly reſented, even by thoſe who were favourably diſpoſed towards the Government. The Agents and Inſtruments of the Pope were indefatigable in their inſidious and treaſonable Practices: the Popiſh Clergy were mortified at the Diſgrace and Secrecy to which they were reduced, and the ſcanty Pittance upon which they ſubſiſted: both the Iriſh and Engliſh Gentry of that Religion diſdained the Slaviſh Diſqualifications of the Penal Laws; and the poor miſtaken Iriſh were eaſily deluded to think they might recover the Eſtates which they had forfeited and ſurrendered, if they but diſ-

poſſeſſed

poſſeſſed the preſent Poſſeſſors, whom they naturally eyed with Indignation. Few of them had the Senſe or Penetration to look ſo far as the Crown, or to conſider that from thence alone the Proteſtants derived their Titles, to almoſt every Acre they held in Ireland; a Conſideration which muſt have taught them that all they could hope was to ſee the Crown diſpoſe of them again. It was craftily inſinuated into their Minds, that they could not do the King of England more effectual Service, than by deſtroying his Proteſtant Subjects in Ireland. And it was publiſhed and declared, by the chief Contrivers of this abominable Conſpiracy, that they had the King's Authority for all they did: a Calumny which, however ill grounded and falſe, contributed greatly to promote the Purpoſes it was deſigned for. They were thus perſuaded to unite their private Intereſts, and the Service of their King, with the Cauſe of God and Religion. They were countenanced and ſupported by a *Nuncio*, ſent expreſsly for that Purpoſe by the Pope. They were furniſhed with Arms and Ammunition

munition by Spain and France; it being the wicked Policy of Princes and Stateſmen to take Advantage of the Diſtreſſes of Others, and upon every Occaſion, even in Times of Peace, to diſturb and confound the internal Order and Happineſs of their Neighbours.

Thus prepared, inflamed, encouraged and ſupported, it is not aſtoniſhing that they proceeded to Exceſſes and Cruelties in executing their Purpoſe, which, upon a Moment's cool Reflection, muſt have ſhocked the moſt hardened and blood-thirſty Murderer amongſt them. It were to be wiſhed, the Barbarities related to have been committed in this Rebellion could be raſed from the Records of Time, and totally blotted out of the Memory of Man; that no Monument of ſuch Inhumanity ſhould be tranſmitted to future Ages. It was a Period of great Corruption in human Nature, and, as the ſame noble Hiſtorian obſerves on another Occaſion, *Is habitus annorum fuit, ut peſſimum facinus auderent pauci, plures vellent, omnes paterentur.* Ld. Cla.

Although

Although the Condition of the Proteſtants who eſcaped the Carnage of this Rebellion was too long permitted to continue deplorably Miſerable, they being furniſhed with little Aſſiſtance from England while the King was in a Capacity to withſtand his Engliſh Parliament, and though the Vengeance due to ſuch Offenders was for ſome Time procraſtinated, it came upon them at laſt, in ſo juſt a Proportion to the Magnitude of their Offences, that their own Meaſure was fully meted out to them, by the Activity, Vigilance, and Spirit of that diſtinguiſhed Character, Oliver Cromwell, and his Officers.

The native Iriſh, between his Policy and Severity, were completely humbled and reduced. After having effectually weakened their natural Strength, by artfully permitting them to enter into foreign Services, whereby he ſent out of the Kingdom, Forty Thouſand Men fit to bear Arms, (being the Perſons moſt to be feared, very few of whom ever returned) thoſe who remained in the Country ſub-

mitted to ſuch Terms as the Conquerors thought fit to impoſe.

The old Inhabitants were thus completely broken and ſubdued; the greateſt Part of their Lands were forfeited, or taken from them, and parcelled out among the Adventurers and Soldiers, who had at any Time engaged in the Service of Cromwell or the Parliament, againſt the Rebels in Ireland.

This is what muſt have been expected at ſuch a juncture: the Proſpect of rich Plunder, in a ripe Harveſt of Confiſcations, was what they now beheld, as the Reward of all their Services; and they were gratified to the utmoſt Extent of their Wiſhes.

Upon the Reſtoration of Charles, Meaſures were concerted for the final Settlement of Ireland, and it was greatly effected by the Act of Settlement, and a ſubſequent Act paſſed to explain it: whereby, amongſt other Things, the Rights of the

the ſeveral Intereſts in Ireland in the forfeited Lands were invariably eſtabliſhed. Several other Acts of Parliament were paſſed, and the whole Nation quietly ſubmitted to the Engliſh Laws and Government.

The Papiſts were now and then threatened with a ſtrict Execution of the Penal Laws, at Times when the King was teized by thoſe ridiculous Plots that were imputed to them; but yet thoſe Laws were never ſtrictly enforced; although it might have been neceſſary, under ſuch Circumſtances, to diſable Prieſts and Popiſh Recuſants from diſturbing the State, and endangering the Security of the Government.

Towards the cloſe of this Reign the Influence of the Duke of York, and the Mediation of France, procured the Iriſh Papiſts all the Indulgence and Encouragement the Court could decently beſtow upon them, which raiſed their Creſts ſo high, that on his Acceſſion they ſoon diſcovered how much they expected at his

Hands. The Proteſtants were diſarmed; the Act of Settlement was attacked; and other oppreſſive and arbitrary Proceedings threatened and expected. When they were happily relieved by the memorable Revolution, which fixed a Proteſtant Prince upon the Throne.

James having abdicated the Seat of Empire, and having no other Reſource than Ireland promiſed him, was enabled by the King of France to attempt a Recovery of his late Dominions by the Aid of his Iriſh Subjects of the Popiſh Religion, in whoſe Fidelity he had full Confidence.

The premature Conceſſions he made them in a Parliament, as it was called, which he ſummoned at their Deſire, ſufficiently expoſe the Deſigns and Intentions of him and them towards the Proteſtants; if that Power, upon whom alone the Fate of Kings and Kingdoms eventually depends, had not defeated all their Purpoſes, ſpeedily diſſolved this arbitrary and contemptible Mockery of Adminiſtration, and unalterably

unalterably fixed and eſtabliſhed the Authority of the Crown of England, in the Perſon of King William, and in his Proteſtant Succeſſors, over the Realm of Ireland; and the Conſtitution and Laws of England within it, for its perpetual Rule and Government.

I do not mean to impute, as an unpardonable Crime, to the Iriſh Roman Catholics that ſupport they afforded the abdicated James, while there remained a Poſſibility of his ſucceeding, and before they had yet acknowledged King William to be their King. But I could not omit to obſerve the perſecuting Virulence which, upon all Occaſions, Superſtition and enthuſiaſtic Errors in Religion give to the Tempers of Men; nor can I avoid obſerving the ſtrange Infatuation of Bigotry the Conduct of that ill omened Monarch betrayed under different Circumſtances: who could feel the Force of Truth, while it ſerved the Ends of a miſtaken Zeal, but act as if it never made any Impreſſion on his Mind where it militated with his Pre-

judices; when he ſolicited the Prince of Orange for that Protection, which the regular Prieſts obtained in Holland, he, with an unbecoming Duplicity, blamed as unjuſt and impolitic the Severity of the French towards the Hugonots; and at that very Time he congratulated with their King on the Revocation of the Edict of Nantes; and when in Ireland he conſented, without Reluctance, to a general Proſcription of the Proteſtants.

Dalrymple.

William acted a very different Part. The World has had ſad Experience to what Exceſs of Violence the Joys of Conqueſt, and, as Sir Michael Foſter ſays, the Apprehenſions "of a miſgiving Heart, "ſtill dreading the final iſſue of Things, "will carry the vindictive, the ravenous, "the bluſtering Mortals, who upon ſuch "Revolutions, either take the Lead, or "join in the Cry, at Seaſons when the ſtill "Voice of Reaſon is ſeldom heard; when "Parliaments are ever found obſequious "enough to the Victor." But he had a Soul that never felt ſuch daſtard Fears; he had

had rather forfeited all his Glory as a Soldier, and relinquiſhed all his Conqueſts, than retain the one or ſecure the other at the Expenſe of Nature or Humanity; and he ſeems to have done no more than the public Safety abſolutely demanded.

It has long been the Spirit of the Catholic Religion to favour arbitrary Power; and to uſe an Authority which may be relied on, when on the Side of the Proteſtant Church (the general Voice of the Oxford Univerſity) the Monarchy of England "is not capable of being ſupported, ac- "cording to the Spirit of our preſent hap- "py Conſtitution, but upon the Principles "of the Church of England; the Reli- "gion, as by Law eſtabliſhed, is a vital "Part of the Government, and every In- "vaſion upon it ſhould be watched and "prevented;" this was the Object of William's Reign; he wiſely diveſted the Roman Catholics of Power to attempt a Subverſion of that Religion and Government which were eſtabliſhed by Law. To have reſtored them, either immediately after

Introd. to 2d. part Ld. Clar. Hiſt.

their Rebellion againſt Queen Elizabeth had been ſuppreſſed, or immediately after the final overthrow of James, to the full Poſſeſſion of their Eſtates, and admitted them to the full Privileges of Proteſtant Subjects, were an Exertion of Generoſity not to be expected in the Conduct of political Affairs; nay at thoſe Periods had been dangerous and improper.

However, it is now high Time to diſtinguiſh between the Penal Laws againſt Papiſts, and thoſe of the Teſt; the laſt, regard the Maintenance of Religion and Government, which without this Bulwark may be overturned: and when it was in Agitation, in the Reign of Charles the Second, to repeal the Laws which impoſe it, Barillon, the French Ambaſſador, conſiders it in one of his Diſpatches to his own Court, as a Meaſure of the utmoſt Conſequence to the Conſtitution, and that would, if effected, entirely demoliſh the eſtabliſhed Church.

Dal. Mem. Vol. 1. p. 282.

As to all other Penal Laws affecting that Claſs of Men, but principally thoſe which regard

regard and reſtrain their acquiring Property, when the Paſſions excited by the firſt impulſes of Rage, Revenge, and Reſentment began to ſubſide; when the Cauſes which raiſed thoſe Paſſions no longer exiſted; Laws which in their Creation, we may for Argument ſake admit, were neither unjuſt, nor unneceſſarily Severe, being continued, became injurious and tyrannical.

There may be Reaſon to maintain that the Seaſon for moderating the rigorous Penalties, and diminiſhing the Diſqualifications created by thoſe Laws, did not arrive in the Life Time of King William; and in the Reign of Queen Anne this Period appeared ſo remote, that it was thought prudent, upon ſeveral Accounts, inſtead of leſſening, to accumulate the Burden, by diſabling all Perſons of the Popiſh Religion, either to take or hold a landed Property for any conſiderable Length of Time, or to be poſſeſſed of any permanent Intereſt in Lands, upon which Money could be

be either ſecured or expended in Improvements.

This was a Reign of Faction, Diſcontent, and Apprehenſions. The Proteſtants were alarmed with panic Fears that a Princeſs of the Stewart Line, or that a Tory Miniſtry, would make ſome bold Attempt in Favour of her Blood and Family. It is eaſy to make the timorous, apprehenſive of Danger, and ſuſpicious of Deſigns. The Alarm was ſpread, and uncommon Pains were taken to inſtil into the Minds of a jealous People moſt frightful Notions of Dangers, which perhaps were merely imaginary: added to this, a ſtrong Hope, and ſo far indeed a truly laudable Deſign, of thereby promoting the Proteſtant Religion, greatly contributed to the paſſing thoſe Laws.

But whatever Motive beſides the laſt, or whatever Aſſemblage of Cauſes gave them Birth; thoſe Cauſes are now no longer known, and thoſe Motives were greatly inſufficient; and whether we recur to the

the Days of Elizabeth, Charles, William, or Anne, we ſee they were Times, the like of which the moſt fearful Minds cannot apprehend will ever again be ſeen.

Archbiſhop King informs us, that in the latter end of the Reign of Queen Anne, and long before, the People of Ireland were ſo induſtriouſly bugbeared (to uſe his own Expreſſion) with Fears of the Pretender, and that the Government had it in contemplation to bring him in, that by theſe Means they had been for Twenty Years poſſeſſed with a continual Apprehenſion that he was at their Doors; Suggeſtions to which they more readily liſtened and gave Credit, becauſe what they felt under King James made the Dread of him much greater in Ireland than in England; and he ſays there then needed but one Thing to quiet the People of Ireland, that is, to convince them that there was no Eye to the Pretender. There is nothing now wanting to quiet the Minds of the People upon this Subject; it is not now the Intereſt of any Prince, Faction, or Party to excite amongſt

amongſt the People ſuch panic Alarms, and every reaſonable Creature muſt acknowledge that the Shadow of ſuch a Phantom does not exiſt.

The only Principle to which the Penal Laws then enacted can at this Day owe their Continuance is, that which their Title avows to have been the Object principally aimed at in enacting them, namely, to prevent the further growth of Popery; which, upon a ſlight Conſideration of the Matter, muſt appear to be at beſt a very ill judged Title: indeed a clearer Proof how little the Growth of Popery has been thereby prevented cannot be adduced, than the inconſiderable number of Papiſts, who have become Converts ſince thoſe Laws were made.

Poverty and Ignorance are inſeparable Adjuncts: the Power of Superſtition is always greateſt on the Minds of the Ignorant. By keeping the Body of thoſe People poor, we have at the ſame Time kept them in that profound Ignorance, to which this

this once well eſteemed Seat of Learning has been ſunk, ſince civil Diſcord firſt opened the Gates of Civil Wars, and let in a Train of Foreign and Domeſtic attendant Evils, Invaſions, Conteſts, Rapaciouſneſs, and Cruelty.

By Means of their Poverty and Ignorance they are entirely in the Power of their Prieſts, whoſe ſordid Policy teaches them that the beſt Means of preſerving their pitiful Livelihood, is to infuſe Superſtitious Ideas of Religion into the Minds and Paſſions of a wretched Vulgar.

Ignorant and illiterate People ſeldom look forward for poſſible Benefits, and Reverſionary Advantages; none but the Blind can overlook the Bleſſings and Comforts that are offered to them, and laid in their Way; while therefore the Papiſts have no immediate Inducements to acquire Knowledge, they will remain what they are, they *muſt* remain what they are: *haud facile emergunt quorum Virtutibus obſtat res Anguſta Domi.*

Let

Let them once be poſſeſſed of ſome Share in that Property, which is a chief Object of our juridical Syſtem, they will become ambitious to acquire a Knowledge of thoſe Laws, upon which its Security depends; they will have a Thouſand new Inducements to poliſh themſelves in every Reſpect; the Clouds of Ignorance will be diſpelled; they will qualify themſelves to ſit on Juries and decide upon Queſtions in which they have a permanent Intereſt; they will aim at having a Right to join in ſending to Parliament thoſe who are to provide Laws to regulate and bind their newly acquired Poſſeſſions: Such whoſe Induſtry ſhall happen to be crowned with any extraordinary ſhare of Wealth, will aſpire at being held in the Rank of Gentlemen, and will be induced to puſh themſelves into Conſequence and Credit; to exert their Talents and Abilities for the Public Good, and partake the Honour and Profit of Public Employments: they will be induced to obtain Seats in the National Senate, and aſſiſt to make thoſe Laws, in which they will have then ſo great Concern.

cern. And to do all this they muſt become Proteſtants.

" That Indolence and Acquieſcence to " which, Dr. Leland obſerves, the Errors " of Popery reduce the Mind, added to " the falſe Shame of deſerting their Com- " munion," may keep many of them back from ſpeedy Advances to Conformity: but they are only weak Minds which can be ſo affected; and even they will educate their Children in the Proteſtant Religion. When the Rays of Knowledge penetrate the darkened Miſt in which they now breathe, they will begin to derive Advantages from their Commerce and Communication with their Proteſtant Neighbours: a Spirit of Inquiry will pervade every Rank of Roman Catholics: they will learn to deſpiſe the Impoſitions of their Prieſts, when they find them ſtanding in direct Oppoſition to the Dictates of Reaſon, and the Determinations of the divine Law: they will examine and reject Doctrines they have been required to believe without being taught to underſtand: they will

will ſoon perceive the pernicious Conſequences and Wickedneſs, of ſuppoſing the Abſolution of a wretched and illiterate Prieſt poſſeſſed of Efficacy to purge away the Effects of ſinful Offences; the Abſurdity of Penances; the Inutility, if not Heatheniſm, of relying on the Interceſſion of Saints; the idolatrous and horrible Blaſphemy of worſhiping them: the Folly and Danger of auricular Confeſſion, and the ideal Exiſtence of Purgatory: and they will ſoon explore and detect all the other various and deluſive Impoſitions of Prieſtcraft: they will relieve themſelves from the grievous Burden of foreign Dominion, and foreign Exactions; they will be aſhamed to have it ſaid that when almoſt all the reſt of the World is emancipated, they alone remain ſubject to that complicated Slavery they have too long ignominiouſly borne in Chains of Papal Tyranny; under which, in other Countries, the Patience of the moſt Superſtitious Ages of blind Zeal mutinied, rebelled, and at the ſame Time finally aſſerted their ſpiritual and temporal Liberties. They will place in the Practice of Virtue

Virtue, and Sanctity of Manners, in the Love of God, in obedient Reſignation to his Will; in Juſtice, Benevolence, and Charity; all thoſe Social and Religious Duties, which hitherto they have been perſuaded to believe principally conſiſted in a ſcrupulous Adherence to Sacerdotal Injunctions and external Ceremonies.

However, it muſt be obſerved, that there is nothing to which People more pertinaciouſly adhere than their Religious Tenets, be they ever ſo abſurd and miſtaken; for which Reaſon, they ſhould be weaned by Degrees from their Superſtitions, and led to embrace the Proteſtant Religion by the moſt gentle and lenient Means. *Pueris dant Cruſtula blandi Doctores, Elementa velint ut diſcere prima.* This Policy is found neceſſary in making the firſt Impreſſions on their tender and unſpotted Minds, and giving a proper Direction to their pliant and ſupple Diſpoſitions; then ſurely it is much more neceſſary to combat rooted Prejudices; to retract the Tree that has grown up crooked: for you will ſooner

break than correct by Violence what has acquired Firmneſs and Stiffneſs by Length of Time.

Beſides, the Worth of Things is generally eſtimated by the Price that is paid for them. When compulſive Meaſures are uſed to overturn their Religious Syſtem, it leads them to overrate the Value of that Syſtem, and to imagine, where Violence and Oppreſſion are the Weapons drawn againſt them, that Reaſon and Juſtice are on their Side; that by withſtanding ſuch Adverſaries with Obſtinacy and Perſeverance, they pay the Supreme Being an acceptable Sacrifice of Self-mortification.

This, together with their not underſtanding the Engliſh Language, and the little care or pains taken hitherto to inſtruct them, accounts, and is the only natural Way of Accounting for their paſt Conduct, and for their appearing to be fond of a Religion they underſtand not; of being kept in Ignorance, deprived of the Scriptures, and

and ſuffering their Prieſts to prevail more with them than their Reaſon. Wanton Oppreſſion cannot give them a favourable Opinion of the Spirit of that Religion we would have them become Converts to. Inſtead of aggravated Hardſhips, they muſt have expected, and ſhould receive extraordinary Lenity, from the avowed Reformers of the moſt charitable and merciful Religion that ever was.

But ſuppoſing for a Moment that they were never to be reformed; if they only ſtick at Points of Conſcience, in which the common Safety is not concerned, and over which no Power upon Earth ought to exerciſe any compulſive Authority, oppreſſing them can be of no Benefit, and may endanger the public Repoſe, more than any Diſturbance they would otherwiſe create.

It cannot be maintained with the leaſt Semblance of Reaſon or Plauſibility, that the Poverty of a major part of our People, is a better Security to the Govern-

ment than their Intereſt and Affection would be. Let us open a Door then, for that Affection, Confidence, and Duty, upon which the Peace and Proſperity of the Kingdom might be reaſonably founded; they are ready and willing to enter in at it. They have long been ready to give the beſt Teſt of their Affection to the Government that can be deviſed, by offering to reſt their Titles and Properties upon that Government: by theſe Means they will be equally intereſted in its Preſervation, for they will have as much to loſe by its Deſtruction as any Others. Under their preſent Circumſtances they have little or Nothing to forfeit; they may be benefited by public Commotions and Revolutions; they can only be injured by the loſs of a wretched Life of Poverty and Servitude, under which, notwithſtanding a few tumultuary Riſings, (which it ſhould be remembered were not confined to the Papiſts alone) they have lived with wonderful Patience. And it is not a little aſtoniſhing, that the Diſcontents, Want and Wretchedneſs naturally beget, have not oftener

oftener ſtimulated them to more deſperate Courſes. Men muſt be of a very temperate Conſtitution not to be inflamed by ſuch Provocations; they could only have been reſtrained by the Hope of ſoon obtaining more Encouragement, and the prudent Conſideration, that any Attempt they made muſt prove Unſucceſsful, and that unſucceſsful Inſurrections never fail to bring down Evils on the Inſurgents.

And yet thoſe few tumultuary Riſings of a wretched Vulgar, occaſioned principally, if not ſolely by the bad Influence and Effects of thoſe very Laws, whoſe Policy I arraign; by that Deſpair and Diſcontent, the moſt dangerous Corruptors and bane of civil Society, which they produce; and by that lazy Idleneſs, from which, by means of thoſe Laws, they have no Spur to rouſe them; and it is well known, how Difficult it is for People who have Nothing to do, to forbear doing what they ought not to do; I ſay thoſe nocturnal Mobs, thus excited and drawn together, have been urged as a Proof of Diſaffec-

tion, and a Motive to continue thoſe Laws, while they beſt ſerve to evince their dangerous Tendency, and palpable Abſurdity.

They neither are, nor can they be Enemies to the State, nor to the Family now on the Throne, from Intereſt, Will, or Principle, otherwiſe or longer than we will have them to be ſo, and treat them as if they really were: conſider them as Friends and good Subjects, and they are as much ſo as any Others. The Affections of the common Subjects of a Kingdom to the prevailing Government, and the Reigning Prince, are always proportioned to the Advantages they enjoy under them; and as Sir William Temple juſtly obſerves, "they "are not ſo apt to trouble themſelves "about the Rights and Poſſeſſions of a "Crown, as about their own, and ſel-"dom engage in the Quarrels of the firſt, "but upon ſome general and ſtrong Ap-"prehenſions that the laſt are in dan-"ger.

They

They know that, by the excellent Principle of our Law, the Allegiance of the Subject is due to the King for the Time being, and to him alone; at leaſt that the Law protects and excuſes the Perſons and Fortunes of thoſe who ſerve the Prince and Sovereign upon the Throne, or as he is called, the King *de facto*, "that this "puts the Subject upon a rational and "ſafe Bottom; he knows that Protection "and Allegiance are reciprocal Duties; "he hopes for Protection from the Crown, "and he pays his Allegiance to it in the "Perſon of him whom he ſeeth in full and "peaceable Poſſeſſion of it; he entereth "not into the Queſtion of Title; he hath "neither Leiſure nor Abilities; nor is he "at Liberty to enter into that Queſtion: "but he ſeeth the Fountain from whence "the Bleſſings of Government, Liberty, "Peace, and Plenty flow to him, and "there he payeth his Allegiance." Let thoſe Bleſſings flow as extenſively as may be, all who partake of them will value them too highly not to co-operate for their Preſervation and Improvement.

11. Hen. VII. c. 1.

Foſter.

Puniſhments, Penalties, and arbitrary Proceedings, produce but a temporary and fatal Security. Nothing can work ſo ſtrongly upon a generous and free People as Juſtice and Clemency: let it not be the Reproach of this enlightened Age, that we act by them as if we were perfectly unacquainted with the Exiſtence of thoſe delightful Sweeteners of Society. Of all People, the Engliſh have been for ſome Ages paſt, reputed the moſt compaſſionate and juſt: we are all the Deſcendants of Engliſhmen; we ſhould approve to the World that we have degenerated in Nothing from our Anceſtors, who obtained and merited this virtuous Character; the Commerce and Wiſdom of the Engliſh are wonderfully improved; Humanity and Benevolence ſhould keep pace with them. It is ſaid of the Engliſh, I know, that in very early Times they uſed not only commercial Sojourners, but even native Britons with Injuſtice and Cruelty; that the Jews they treated with unprovoked Severity, and to ſpeak in the feeling Language of the Author, *crudeliſſime trucidabant*; and

that

that their Tyranny over the Welſh was ſo grievous, *quod Wallenſis mallebat mori quam vivere*; but this was only the *Opprobrium* of dark and barbarous Days; their modern Character is widely different; they are not now *hoſpitibus feri*; they are the kind Protectors of all Strangers who come amongſt them; and the true Spirit of general and equal national Liberty, and ſocial Happineſs is diffuſed through all Ranks of themſelves; let us not be behind them in the Practice of Virtue and the Improvements of the Mind, rather let us, by a kind and charitable Treatment of our own People, avoid the ſevere Imputations with which we are aſperſed.

I will acknowledge that in ſome Caſes political Injuſtice is allowable, in Order to ſecure national Benefits, and that the general Principles of Government cannot always be applied to particular Caſes; that they decide too much, if applied to certain particular Caſes, when they ſay "no Government can have a Right to "Obedience from a People who have not "freely

Lock. " freely conſented to it; and which they " can never be ſuppoſed to do until they " have ſtanding Laws to which they have, " by themſelves or their Repreſentatives, " given their free conſent, and alſo until " they are allowed their due Property, " which is to be ſo Proprietors of what " they have, that no body can take away " any Part of it without their own Con- " ſent." I have premiſed, that it is not entirely competent to apply this Doctrine to the preſent Caſe, though much may be made of it, and the only Uſe I mean to make of it is, to ſhow what all Men are naturally entitled to, unleſs the Safety of the State dictate a neceſſity of abridging thoſe Rights. The Legiſlative Body, undoubtedly has a Right to enact Laws which ſhall bind the whole Community, and be the Rule and Meaſure of Property and civil Conduct; but is there not, at the ſame Time, an higher Criterion and Rule by which thoſe Laws themſelves ſhould be eſtimated and governed.

I have, for my own Part, a thorough Conviction, that no mathematical Propoſition

ſition is capable of a more certain Demonſtration than this; that thoſe Laws, which are the principle Object of theſe Sheets, are no longer neceſſary for the Security of the preſent Government; that on the contrary, they can now ſerve no other End than to endanger that Security: that along with this Miſchief, they impede the Improvement of the Nation, and obſtruct, (ſo ineffectual are overſevere Laws) not the Growth of Popery, but the Growth of the Proteſtant Religion.

Nay, further; be their Influence on Religion what it may, human Laws ſhould not impoſe grievous Penalties upon the innocent Exerciſe of Rights and Faculties freely beſtowed upon Man by his Great Creator, and in which the Concerns of Society are no Way engaged; one of which is, the Right to think for Ourſelves, eſpecially in the moſt important Concern of Humanity, our Notion and Worſhip of God; and to act therein conformably to the Dictates of Nature working upon our Under-

Underſtandings. Religious Tenets will not admit of being modified, altered, or abandoned in the ſame Manner as Points of political and temporal Concern.

When I thus avow myſelf a Friend to Religious Liberty, and declare againſt forcing Mens Conſciences, I wiſh not to be conſidered an Advocate for ſuffering factious Practices to go unpuniſhed, becauſe they may be covered with the ſanctimonious Pretences of Conſcience and Religion: wherefore let there be Laws to prevent and puniſh ſuch unwarrantable Practices. And there ought, as I intimated before, to be ſome eſtabliſhed Religion in every State, that all Members of the Community ſhould regard with Decency and Reſpect, and not upon any Account, preſume to injure or inſult. To go ſtill further, it may be Politic to provide, that all Perſons in Offices of Authority and Emolument be of that Religion; at leaſt that their religious Principles and Intereſts do not materially thwart thoſe of the eſtabliſhed Religion. And this is all the Good

of

of the Public, which certainly depends upon the Security of the State, can ever require; and I hope it will hardly be thought neceſſary to enforce this Poſition, by remarking that it is alſo the Opinion of the moſt elegant and judicious Writer upon the Engliſh or indeed any other Syſtem of Laws. Black-ſtone.

I am aware it has often been ſaid and may be ſaid again, that the Profeſſors of the Popiſh Religion, cannot from its Nature act a neutral Part; while they acknowledge the Supremacy of the Pope. I confeſs it is not the Religion of the Church of Rome, what properly relates to Modes of Belief and Forms of Worſhip, but the Policies and Intrigues of the State of Rome, one principal Link of which was the Supremacy, that formerly rendered Popery ſo incompatible with civil Order and Society, as it was experienced to be; yet if this be ſtill urged as an Argument in Favour of the Penal Laws, every Thing that has been ſaid, to ſhow that thoſe

Laws

Laws have failed to produce the End for which they were appointed, is an Anſwer to it: And beſides, the Pope is now ſunk to his proper Level, what he was in the Beginning; a Biſhop whoſe Authority only extended over his own Dioceſs; He is of little more Conſequence than the other petty Princes of Italy; the Dread of Sounding *Anathemas* is long ſince removed; his Bulls and Interdicts are univeſally deſpiſed: Rome is no longer the Centre of political Intrigues; the papal Uſurpation, now almoſt annihilated, will ſoon completely diſſolve, and "like the baſeleſs Fabrick "of a Viſion leave not a Wreck be-"hind". A Power firſt acquired by Artifice, Hypocriſy, Sophiſtry and Intrigues, in Times of Ignorance and Superſtition, was immediately pulled down, ſo ſoon as the ſhameful Proſtitution of its numberleſs Abuſes ſet Men to inquire into and diſcover the Stubble Ground on which it was erected, the baſe Materials of which it was compoſed, and the rapacious Plunderers

derers of Mankind it produced, cheriſhed and protected. Rome is not now an Object to merit the Attention of a great and reſpectable State. But if the Pope ſtill preſume, though it be by Stealth and Privacy, to interrupt the Eſtabliſhment of our legal Religion in any Part of the Britiſh Dominions, or dare to exerciſe any civil or Eccleſiaſtical Authority whatever over a ſingle Subject of the Britiſh Crown with or without his Conſent, I would ſtrike at the Root of the Evil: He ſhould feel thoſe Terrors which in the Hands of Cromwell formerly menaced his Holineſs with Ruin and Deſtruction. "The Britiſh Ships in the Mediterranean ſhould viſit *Civita Vecchia*, "and the Sound of their Cannon ſhould "be heard in Rome", and I would pay him this honourable Reſpect for the ſame Reaſon that we cruſh a Waſp even after it has loſt the Sting, if it maliciouſly perſiſts to buzz about and teaſe us, not becauſe we any longer fear it, but for our greater Eaſe and Comfort.

To

To take away from the Objection all the Force it may ſeem to poſſeſs, we need but conſider that the wicked Abſurdity of this moſt ridiculous Tenet of the Roman Catholic Religion has been long ſufficiently felt and for the moſt Part rejected, even by Roman Catholic Countries: and notwithſtanding that in ſome of them the Intereſts of Churchmen, a numerous and powerful Body, are the cauſe that the Notion of his Supremacy in Spiritual Matters is ſtill retained, though much confined and limited: yet in none is there preſerved the leaſt Reverence or Regard to the Papal Claims of Authority and Juriſdiction in their temporal Affairs, unleſs it be as a mere Matter of Form, and an Engine of State Policy: but even thoſe Cauſes do not ſupport or countenance the Papal Power in our Country; and therefore it is an empty Scarecrow, a Bugbear, that may alarm the weak and timid; but its Impotence is fully perceived by the ſteady, conſtant, and ſenſible. As to ſome uſeleſs Ceremonies and leſs important Cuſtoms

of

of the Iriſh Papiſts they will gradually work their own Cure. As Popery itſelf decays, all its Appendages will expire with it. The Notions of Superſtition being ſeparated from the Obſervance of their particular Rites and Ceremonies, they will firſt become Matters of Indifference, and next of Contempt.

It was already intimated, that none but Members of the eſtabliſhed Religion ſhould in any Country be admitted into Places of Truſt and Power; wherefore let the Laws which diſqualify Papiſts from Poſts and Occupations of Truſt and Power be fully maintained, and this I apprehend is all the public Security requires: but if very wary and cautious Minds think it ſafer and more prudent to proceed by Degrees, than to aboliſh all the other penal Laws at one Stroke, let all the penal Laws but thoſe of Queen Anne ſtand for ſome Time: no greater Inconvenience can poſſibly reſult from them, than their continuing to diſgrace the Book of Statutes, for they have long been

deemed too ſevere to be enforced: and yet as they can be executed if neceſſary, which I am convinced will never be the Caſe unleſs we occaſion it Ourſelves, it may ſtill by ſuch Men be thought politic to allow them an Exiſtence merely in *Terrorem*.

If the ſame Caution ſhould recommend, at the firſt, only a partial Encouragement to their Roman Catholic fellow Subjects, in the Diminution of the Diſabilities created by the Statutes of Queen Anne, although ſuch unneceſſary Caution will but poſtpone the many Advantages the Kingdom would ſoon experience from a more liberal and general Way of acting, yet to obviate the Fears and Scruples of the moſt timorous and cautious, let the firſt Encouragement given them to acquire landed Intereſts be partial, and limited to particular Lands if that be thought adviſable; and for particular Terms of Lives or Years.

And though it be ſomewhat foreign to the preſent Subject it is well worth while

while to conſider, whether Huſbandry and Agriculture may not be wonderfully improved and extended, and the Country enriched and beautified, by impoſing a Neceſſity (on Pain in Caſe of Neglect of forfeiting their Eſtates) of tilling yearly a certain Portion of every Farm; of planting and preſerving a certain Number of Trees; and ſowing a certain Quantity of Flaxſeed; and by limitting, for a while at leaſt, the number of Acres, each Farmer ſhall be empowered to take, this Limitation to be regulated by the Rent or Value of the Land: Terms it could not be deemed hard to impoſe, as in conferring Favours the giver has a right to appoint what Conditions he pleaſes upon the Uſe and Enjoyment of the Gift or Favour he beſtows.

In ſhort, every Encouragement we ſhall have the good Senſe to grant them will ſoon ſtamp a Mark of Approbation on itſelf, and prove the ſtrongeſt and moſt invincible Argument in Favour of going a Step further, till at laſt all odious

Diſtinctions, Prejudices, and Animoſities will be completely forgotten: all Men will be united by Intereſt and Affection to promote the general Welfare and Glory of their King and Country: the Proteſtant Religion will become general throughout the Nation, and that Equality will be eſtabliſhed between Man and Man, which is the Life Blood of public Virtue and national Proſperity: Envy and Hatred will ceaſe to embitter private and endanger public Repoſe; Emulation and Benevolence will ſucceed in their Places, and future Generations will celebrate with grateful Plaudits all thoſe whoſe Integrity, Wiſdom, and Patriotiſm, procured ſuch invaluable Benefits for their Country, Themſelves and their Poſterity.

We cannot deſire to live amongſt Beggars and Slaves: by living amongſt Slaves, we become inſenſible of Slavery and unworthy of Liberty; being familiarized to the former, we may with leſs Reluctance give up the latter; and receive ourſelves the Yoke we forged for Others. And there

is

is not a more genuine Mark of Servitude than to be debarred the equal Benefit of thoſe Laws, Mens Neighbours and fellow Subjects enjoy: nor is any Thing more to be regretted, than that a great Number of uſeful Citizens, ſhould be reduced to a State of Slavery in a Land of Liberty, in the Midſt of a Nation of Freemen; for us to ſuffer it is inconſiſtent with that Spirit of Liberty we diſcover upon all other Occaſions: we with Difficulty, and only from a principle of Neceſſity, permit a Mariner to be forced into that Way of Life for which he is beſt adapted, and which muſt be more agreeable to him than any other; in which he is amply provided for and maintained at the national Expenſe: and why do we feel this Reluctance? why think him hardly uſed? becauſe he loſes the Benefit of thoſe general Laws by which he ſees Others protected, and which ſerve but to mortify and tantalize him; and becauſe it is derogating from that Equality every Subject of a free State ſhould indiſcriminately partake of and enjoy.

Beſides theſe Reaſons, we know that, as Baron Monteſquieu obſerves, Men naturally hate and envy thoſe who reſtrain what they look upon as their natural Rights; and that in Order to recover thoſe their Rights, or reduce the reſt to a Level with themſelves, they will ſeize every Opportunity either to deſtroy their Oppreſſors, or at leaſt to diſturb them in the Enjoyment of thoſe Advantages of which they themſelves are bereft.

Then our Conduct towards thoſe poor Subjects is, upon every Account, as well impolitic and abſurd, as cruel and unjuſt, odious, unchriſtian, and inhuman; diſgraceful and injurious to us as Men, and doubly diſgraceful and injurious to us as Freemen; for the greater the general Liberty and Equality a State enjoys, the greater is conſequently its Power, Security and Happineſs, and there is the leſs Danger that any Attack will be made upon them.

There never exiſted a Subject, in which Mens Paſſions could be more effectually

inter-

intereſted than the preſent. If the Writer ever ſo little ſympathize with thoſe whoſe Cauſe he profeſſes to eſpouſe, he may eaſily work ſo powerfully upon the tender Feelings of Nature, that they, who before with the greateſt Ardor oppoſed every Scheme propoſed for the Relief of an unfortunate Claſs of Men, would be in a Manner forced by conſcientious Compunction to an expiatory Atonement of their paſt Errors and Miſtakes, and what they before oppugned to ſupport for the future, with that additional Vigour and Perſeverance, which are always neceſſary to recover the Ground, a miſguided Deviation from the ſtreight and juſt Path of our Journey through Life has left us behind: However, to attempt this, without principally appealing to the Reaſon and Underſtanding, may with Propriety be ſtyled indeciſive Declamation; but, in my Opinion, to convince the Judgment is moſt properly to affect the Paſſions; as the Paſſions of Men are ever very much and very juſtly influenced, regulated, and reſtrained by ſocial and political Duties, and

Conſiderations that are conſtantly the Reſult of Mens Judgment and thinking Faculties. This being what I have principally aimed at, if thoſe Arguments which produced Conviction in my Mind, and which I ſat down to conſider ſolely in order to obtain impartial Information for my private Satisfaction, beget the ſame happy Effect in Others, I ſhall eſteem myſelf amply rewarded for the Trouble wherewith this Inquiry has been attended; the flattering and earneſt hope to attain which deſirable End, alone could prevail over me to communicate with the Public a Collection of Thoughts, perhaps too unpoliſhed, crude, and indigeſted for public Inſpection, put together in that Order in which they occurred, without in the leaſt attempting a methodical, correct, or elaborate Compoſition, from which the neceſſary Avocations of a buſy Scheme of Life were ſufficient to deter me. However, I can't but think that Arguments, which had a powerful Influence over my Judgment, may produce ſome, if not

not the like, Effects in the Minds of Others.

If further Arguments were neceſſary, to expoſe the Folly and Wickedneſs of thoſe miſchievous Laws, they ſuggeſt themſelves in Abundance. A depopulated, uncultivated Country is a large Volume of Proofs and Illuſtrations, which he that runs may read. A great and dangerous ſtanding Army is the Fruit of paſt Miſtakes upon this Subject: the Diſaffection of our own People was a great Argument in Favour of the late enormouſly expenſive Augmentation; and it received additional Weight from a Conſideration of our internally defenceleſs State againſt foreign Invaſions, through the want of a ſtanding Army or a national Militia; to compoſe the laſt of which, it was denied that we had a ſufficient Number of Proteſtants, or good Subjects in the Kingdom. But by making thoſe our own People good Subjects, we ſhall take from theſe Arguments all their Force; we ſhall be able to reduce the Number of that Army without affording the

the leſs Aid to Great Britain; having little Occaſion for Soldiers at Home, we may ſpare a greater Number to garriſon the Foreign and remote Branches of the State than we now do, and at the ſame Time conſiderably lower the whole Eſtabliſhment. By theſe Means we ſhould do more eſſential Service to the Crown, and all its Dominions, than we ever will, or indeed poſſibly can, in the preſent State of Things; and we ſhall alſo, by the increaſe of Proteſtants, ſoon be enabled to eſtabliſh that beſt Defence of political Power and civil Liberty, a well regulated national Militia.

Poverty, Ignorance, and Slavery are the only Fruits thoſe abſurd Laws hitherto have produced, or it can be hoped they ever probably will produce; is it then wiſe, I ſhould rather aſk, is it not the greateſt Madneſs and Folly, freely and of Choice, to relinquiſh the Bleſſings of equal and univerſal Liberty and Property, Induſtry, Commerce and Politeneſs in an improved Country, and to harbour in our Boſoms,

Boſoms, that frightful group, their Oppoſites, Tyranny, Slavery, Wretchedneſs, rude Barbariſm and lazy Idleneſs in a deſolate, barren, and uncultivated Territory?

What are the Sentiments of *Voltaire*, in his Commentary on the admired Italian Treatiſe of the Marquis *Beccharia*, diſcuſſing a Queſtion ſomewhat ſimilar to the preſent? with an authoritative Boldneſs inſpired by the Subject he ſays "do not "deprive yourſelves of uſeful Subjects, "uſeful in your Manufactures, your Ma-"rine, and the Cultivation of your Lands; "of what Importance is it that their "Creed be ſomewhat different from yours? "you want their Labour and not their "Catechiſm." Let us feel the Force of thoſe truly pious Sentiments, and not take from the Hands of our own People the Plough-ſhare and Spade, with the vain Deſign to tear from them their Beads and Crucifixes, or to aboliſh their *ave Marias* and their Sacraments.

Before

Before I leave this Subject, I cannot but take Notice that the Courts of Juſtice have long been ſo ſenſible of the evil Tendency of thoſe Laws of Queen Anne's Time, which are almoſt the only Laws againſt Papiſts, to execute which, any Perſon is found vile enough to become a Proſecutor, Informer or Diſcoverer; that they have very much diſcountenanced a ſtrict Execution of them; and that on the other Hand, thoſe Laws themſelves become daily a ſort of Security to Popiſh Property by the Connivance of the Courts; that Bills in Equity called Bills of Diſcovery are now uſed in the Nature of common Recoveries, to obtain Decrees for Proteſtants ultimately in Truſt for Papiſts. And although by Means of the great Expenſe attending this Practice, and the Uncertainty of its being effectual, ſuch Decrees are ſeldom worth being ſought for, being at beſt a precarious Security that entirely depends upon private Honeſty and Fidelity, yet it ſerves to ſhow the Temper of the People, that they have a Confidence in the Integrity of Proteſtants, and that a little

Encou-

Encouragement would finally extinguiſh every latent Spark of Jealouſy: they want to place in the whole Community of Proteſtants that Reliance, which, in Evaſion of the Laws, they every Day implicitly depoſite in the Breaſts of Individuals.

When ever a Deciſion of our Courts upon thoſe Laws, becomes the object of an Appeal to the Britiſh Houſe of Lords, they are treated both at the Bar and by that noble Senate, in the ſevereſt Strictures, with every Mark of Obloquy and Indignation. I have heard them ſtigmatized in that great Tribunal as a Syſtem moſt tyrannical and moſt abſurd. The univerſal Voice of Great Britain cries aloud for the Repeal of them, and the Senſe of that Nation upon ſuch a Queſtion, in which they are deeply intereſted as well as Ourſelves, carries with it very concluſive Evidence of the Uſefulneſs and Propriety of ſpeedily making many and great Alterations in that Syſtem.

Why ſhould we puniſh the grand Children and great grand Children for the Offences

fences of their Forefathers? *nec me fugit*, to ſpeak with Cicero, *quam ſit acerbum parentum Scelera filiorum pœnis lui.* Yet the Laws againſt Papiſts are, in their Effects upon the innocent Deſcendants of dead Offenders, much more ſevere, than the Puniſhment inflicted by our Laws upon the Crime of high Treaſon, the moſt atrocious public Offence againſt the Welfare of Society. The Children of Traitors are only diſqualified to inherit to their corrupted Parents; theſe are inhibited to purchaſe for themſelves. There is but one other Law in the World ſo cruel, and that not a thouſandth Part ſo Impolitic, nor ſo extenſive in its Operation: but as it breathes the ſame demoniac Spirit, one is tempted to ſuſpect that our Legiſlators were guided in the Heat of their Reſentment, by the Words of that unnatural Law, without even diſtinguiſhing the Caſes: I mean that German Law, by which the Children of thoſe who conſpire to take away the Elector's Life are not only deprived of their Property, but are alſo rendered incapable of any public Honour or Office; to the End "that being

Ad Brut. Cap. 12.

" being always poor and neceſſitous, they " may for ever be accompanied by the " Infamy of their Fathers, may languiſh " in continual Indigence, and may find " their Puniſhment in living, and their " Relief in dieing." Can ſuch Cruelty be dictated by the Heart of Man? what can be more wicked or prepoſterous? Puniſhments ſhould ever be annexed to the Offence; we ſhould not apprehend Danger from thoſe who never offended; we have no Right to puniſh the Innocent.

To what End keep within the Bowels of our Country that deſtructive Monſter! a body of Men, unprotected, unbefriended by the Laws, and, for that very Reaſon, not only unintereſted in their Preſervation, but provoked to oppoſe and confound them. The Vigour and Excellence of Laws conſiſt in their general Goodneſs and Virtue; their equal and univerſal Influence. We have been hitherto ſtrange Empyrics in Legiſlation on ſome Occaſions;

Occaſions; and on Others, like the frantic Phyſician, who, while he applied healing Salves to the wounded Limbs of his Patient, ſuffered a deadly Poiſon, formerly adminiſtered by miſtaking it for an wholeſome Medicine, to counteract their good Effects, by deſtroying the Bodily Strength of the poor unfortunate Victim of his Madneſs.

The bloody Policy of *Machieval* were far more merciful and wiſe than Ours; it were better wholly to cut them off and extirpate them, than give them Life, to live in Miſery, Slavery, and Wretchedneſs, occupying the Place of more uſeful Subjects; and if, deterred by an Idea of its Cruelty, we will not do them this kind Office, nor yet grant them the equal Benefit of our Laws; they muſt be, if not Pricks in our Eyes and Thorns in our Sides, at beſt, uſeleſs and dejected Drones, unwilling and unable to cultivate or aſſiſt the Public Good in their own private Emolument.

It

It is to me unaccountable, how every Scheme hitherto deviſed for their Relief has proved unſucceſsful, and I ſhould rather impute it to ſome Impropriety in the Meaſures themſelves, or in the Manner of making the Applications to Parliament, than to any Thing like a National Averſion to affording them ſome Relief; for I ſtill hope I may live to ſee this Kingdom flouriſh in Liberty, Wealth, and Happineſs, by Means of a more extended and comprehenſive Benevolence; a more enlarged and liberal Policy, as well in the Iriſh, as in the Britiſh Parliaments. By receiving a Majority of our People into our Confidence, Favour and Protection, and applying ſo many additional Hands to the Cultivation of our almoſt uſeleſs Lands, we will lay the great Foundation of Opulence, Arts, and Manufactures, Agriculture being the chief Source and Support of every other Occupation, and we will find Employment at Home for thoſe miſerable Creatures, who are daily driven by the Greatneſs of their Diſtreſſes into voluntary Baniſhment.

Perhaps I can touch a String that will ſound more Uniſon with the Pitch of a Courtier's Ear: Our Financiers will then be very ſoon relieved from the inſuperable Difficulties they daily labour under, in their weak Endeavours to ſupport an unwieldy and over loaded Eſtabliſhment, ready to ſink at every Blaſt; and they will find in the national Wealth what they are now forced to provide by that dangerous Expedient, a national Debt, the laſt Reſource of Corruption and Deſpair.

To make this Poſition undeniably evident, I deſire the Reader to examine the preſent State of our People, their Manner of Living, of Clothing themſelves, and of managing their Ground, and compare them with what they may be.

It is ſaid that the Riches, Conſequence, and Power of a People, conſiſt in their Numbers: but it is ſo only with certain Qualifications. In the firſt Place, the ſame,

or even a leſſer Number of People in a ſmall Territory may be far more powerful than a much greater Number in a more extended Map; of which Opinion ſome Writers are ſo well ſatisfied, that they proportion them by the ſtrict Rules of Arithmetic; In the next Place, a ſmaller Number of rich People may be, and probably are, in all Caſes more powerful, than a greater Number of poor People, whoſe accumulated Wealth is not nearly equal to that of the ſmaller Number; and in one Senſe only the Poſition is exactly true; It is true, that one Thouſand poor People are more powerful than one Hundred poor People; and that one Thouſand rich People are likely to be more wealthy, and conſequently more powerful, than one Hundred rich People in the ſame Extent of Country.

But it muſt be obſerved that, *ceteris paribus*, the comparative Value of a Subject to the State is to be eſtimated by what he actually expends, whether in pro-

viding the Neceſſaries or the Luxuries of Life, in gratifying his Fancy, his Pride, his Ambition, or his Vanity.

Suppoſing the People of Ireland amount to three Millions, more than half of that Number are Iriſh Peaſants, who, by a long and continued Deſpair of ever being able to ſhake off the cruſhing Weight of penal Laws, or of ever meeting better Times than the preſent, in which they are permitted to breathe, and little more, are ſo reduced in Mind and Spirits, and humbled to a Condition ſo ſervile, mean and abject, that they ſcarcely indulge a Wiſh for more than to ſuſtain, as long as they may, that ſordid, inſipid and unfeeling Life. One Frize Coat, and one coarſe Bandle-cloth Shirt, for which they barter a few Potatoes, are through the Year their beſt Protection againſt the Inclemency of the Weather; their crazy Huts neither ſecure them from the Winds nor the Water. One Man contrives to plant as much Potatoes as will feed a ſmall Family, and

and if he has not Paſture to keep a Cow or a few Goats, he ſtrives to have as much Potatoes to ſpare, as will purchaſe once a Week a little Milk or Salt Fiſh, which, Alas! they eſteem a Luxury; however difficult it may be to pleaſe the ſatiated Palates of ſome of our own extravagant and unthinking Gentry, who abſurdly emulate the Folly of a few modern Nabobs. They go not only barefooted, but otherwiſe almoſt naked; and beſides the Hearth Money, an odious and ill paid Revenue, which when paid falls only on one in a Family, they contribute Nothing to the public Purſe, for they are not able to purchaſe any Thing that pays a Duty. Some of them are called Farmers, but they are nothing more than the Servants, I ſhould ſay the Slaves, of the Land Owners, who extort from them as well the Price of the poor Mens Labour, as of the Produce of the Soil, and endeavour to ſqueeze out of the Sweat and Fatigue of their Fellow-Creatures what with good Huſbandry, and good-

Policy may be cheerfully paid by a comfortable and a happy Tenantry. And thoſe ſo denominated Farmers, beſides being thoroughly ignorant of Farming, are therefore too poor to attempt improving their Grounds or increaſing their Knowledge. Of what value a Million of thoſe Wretches! and are there not Incitements enough on the Score of Intereſt, as well as Humanity, to ſhift the melancholy Scene; to raiſe the drooping Heads of a Nation of Men by the encouraging Conſideration, that for the future the Laws of the Land will not prohibit their reaping the Fruits of the Labour they beſtow upon their Farms and their Trades?

If that were the Caſe, it could, in my humble Opinion, be eſtabliſhed to a Demonſtration, that above a Million of People, who do not now ſend one Penny a Head in the Year to the Exchequer, may after a few Years, upon an Average, be valued to the Nation at above two Shillings a Head more than they

now

now pay: the Revenue be accordingly enlarged above one Hundred Thouſand Pounds a Year, without laying on an additional Tax, and without making any Allowance for the Increaſe of Inhabitants, which it may reaſonably be hoped will in Time double the Eſtimate. But it cannot well be conceived, how many other great Advantages will reſult from this Plan of Proceeding; how much the Inhabitants will multiply; how much the Power and Conſequence, the Trade and Manufactures, the Polite Arts and Civilization, the Agriculture, the Beauty and the Happineſs of the Kingdom, would almoſt inſtantly improve: the Quantity of Land would be in Effect more than doubled by the Cultivation of the waſte and uncultivated, and the Improvement of the already cultivated Parts of the Country; and would maintain more than treble the preſent Number of Inhabitants; for, beſides, at the loweſt Computation, a more than duplicate Increaſe of Territory, by Cultivation a vaſt Tract of Country would

ſoon be peopled with Farmers and Manufacturers, which is now depopulated, and appropriated to the paſturing of black Cattle, becauſe from the Want of good Huſbandmen, without whom there cannot be either Tradeſmen or Manufacturers, ſome Proprietors of Eſtates, and moſt Engroſſers of Land or Farm takers, find their Account in feeding for the Beef and Butter Markets, at preſent almoſt the only, though a ſorry and precarious, Support, of a conſiderable Part of the Kingdom.

What a delightful Proſpect is exhibited to the humane, the generous, and the patriotic Mind from this Point of Obſervation; let us but do that which is in our Power, which, that we ought to do, I acknowledge I have been ſomewhat warm and ſanguine in my Endeavours to prove; and the more ſo, becauſe I apprehend the Good I here aim at acquiring is within our Reach, and that to prevail on our Parliament to lay hold of it, it is only

neceſſary

neceſſary to convince them, how far it is really a Good worth their ſeeking after; and being incapable of conceiving a Doubt that they will execute their Parts, in faithfully diſcharging their Duty, and doing whatever is clearly ſhown to be the true Intereſt of their Country.

In what I have written reſpecting England, I have, in my own Imagination, done little more than open the Way to Truth, Juſtice, and good Policy, by ſhowing, from the Nature of the Connexion between the two Countries, in what Manner we have a Right to be conſidered and uſed by Great Britain; what we ought to expect, and what they ought to acknowledge and perform.

But laying the Rule of Juſtice aſide, to take up the Scale of Intereſt, if I had Leaſure, and took a little Pains upon the Subject, I flatter myſelf it might eaſily be demonſtrated, that they could not poſſibly conſult their own Intereſt, in every particular,

particular, more eſſentially nor more effectually, than by taking off the Reſtraints they have of late Years impoſed upon our Trade and Manufactures, and permitting us, for their and our mutual Benefit, to convert to the beſt Advantage thoſe Bleſſings which the bountiful Creator of both generouſly dealt out to both with an equal Hand and an equal Meaſure.

And I truſt it may pleaſe God to open the Eyes of Great Britain to its true Intereſts, and to a due Senſe of the ſevere Injuſtice wherewith this Country has been hitherto oppreſſed by the Hand of irreſiſtable Power: that the happy Time may at length arrive, when we ſhall be one People at Home, bound by Intereſt and Affection to co-operate with each Other; and when we ſhall be allowed to exerciſe and enjoy thoſe commercial Advantages Nature has ſo liberally beſtowed upon us, and which have hitherto been reſtrained and confined, fully as much

to

to the Detriment of Great Britain as of Ireland.

Can the partial Intereſts of a few manufacturing Towns in England countervail the general and deſtructive Ruin of an extenſive Nation? If by increaſing the Wealth of Ireland twentyfold, ſome ſmall Inconvenience may be felt by a few Perſons and Places in England, is that Conſideration equivalent to the greater Benefits England would derive from our Increaſe of Wealth? It were as prepoſterous to take from the reſt of England all the Advantages of Commerce and Manufactures, to promote the Trade and Intereſts of Mancheſter and Birmingham, as to check the Trade of Ireland with a view of increaſing that of England. Is not England the Sea to which all the Wealth of Ireland regularly flows through numberleſs Channels? And, as the grateful Ocean does by the wiſe Order of Nature, ſhould not England repay thoſe golden Streams, thereby to preſerve and enlarge, not to leſſen

leſſen its own Store; drying up the Fountains from which ſuch precious Currents naturally ſpring, or ought to ſpring, will but defeat and diſturb the due Courſe of Things, and may poſſibly end in convulſive Eruptions.

Ireland ſhould be conſidered in every Point of Intereſt and Policy as a Part of England itſelf, although poſſeſſed of a peculiar Legiſlature of its own; as a principal Foundation Stone of the Crown; as a Part of the ſame Rock on which Great Britain itſelf ſtands; and as a chief Support of thoſe Hands that muſt manage the Reins by which a vaſtly extended Empire is to be governed; and we have ſufficient Warning, that every Meaſure ſhould be ſought out and adopted, to ſtrengthen and enlarge the Baſis of Britiſh Conſequence, domeſtic Power; that by having ever in our Hands the Means to ſupport and protect our Colonies, and remote Dominions, we may ever ſecure their Obedience and Allegiance, by their Affection to their own Intereſt.

By

By this Time the Public ſees the two-fold View to which I have turned my Attention, and that where I thought it neceſſary, from hiſtorical Facts and Obſervations, to ſhow the Nature of the Relation that ſubſiſts between the Kingdoms of Great Britain and Ireland, my Deſign was not to enter upon a factious Diſpute, or create uſeleſs Jealouſies; that on the Contrary, it is my firm Perſuaſion, that the Independence of Ireland upon the People of Great Britain will never weaken the indiſſoluble Cement that unites and muſt ever unite the two Countries; that what I have already ſaid upon the Subject, or ſhall further add, I have done to prevent the ill Effects of ſome very late Aſſertions of the beſt modern Writers upon our Laws and Conſtitution; and to inform my fellow-Countrymen what both Law and Reaſon ſpeak upon the Subject; that Ireland is not to be compared with Virginia, St. Chriſtopher's, Nevis, Montſerrat, or any other Iſland or Place in the American Seas or elſewhere, that have been

conquered

conquered by or planted at the coſt of and ſettled by the People and Authority of the Britiſh Nation; if even all or any of thoſe Circumſtances make a People once received into the Boſom of the Laws, and the conſequent Enjoyment of the Liberty and Privileges of Great Britain, any way dependent upon or ſubordinate to a Legiſlature, in which they have no Repreſentatives; the Negative of which I have not for myſelf a Doubt of adopting, with ſome few Modifications, which are little, if any Thing, more than a fair Equivalent for the Support they have hitherto obtained from us, and for the future alſo expect to receive; ſuch as their trading with us, and not trading with our Enemies or Rivals in thoſe Commodities and Merchandizes, which we are enabled to furniſh them, and they to ſend us. A Subject upon which one cannot too much admire the good Senſe and Elegance of the Biſhop of St. Aſaph's late beautiful Oration, much whereof may be applied to the Queſtion I have made of the Utility or Miſchief

Miſchief of checking or enſlaving the People of Ireland, even ſuppoſing that they had been a conquered People; and even ſuppoſing the Country had continued to be inhabitted only by the vanquiſhed Natives; that the Victors had never intermixed with them, nor ſettled amongſt them, and had been ſatisfied with maintaining their Superiority, and exacting a compulſive Obedience by Means of military Garriſons, ſtrong Fortifications, and Ships of War. But not to waſte Time upon groundleſs Suppoſitions, I will content myſelf with obſerving, that our Caſe is infinitely more favourable than the Caſe of the Americans: If we were even diſpoſed to Diſaffection, our Contiguity to the Seat of Empire and of Power ſecures our Obedience, and coercive Meaſures may poſſibly be expedient and neceſſary, in the Management of a Country diſtant many hundred Leagues from the Centre of Power, which as to Ireland the Shortneſs of an Eight Hours Voyage effectually removes.

As

As I mentioned America, I hope I ſhall be pardoned a very ſhort Digreſſion. There muſt be ſurely ſome fatal Error, ſome unfortunate and melancholy Miſtake in the Underſtandings, or ſome wicked and inauſpicious Deſign in the Hearts of our Miniſters, to kindle and ſtir up Diſcontents that had been almoſt ſmothered, *Quieta movere*, to put upon the Hazard of a civil War what might have been peaceably enjoyed, and eaſily ſecured for Ages to come; to turn thoſe Arms againſt Ourſelves, which render us the honourable Arbiters and Protectors of all the Nations that ſurround us; the unrivalled Maſters of the vaſt Ocean, and the diſtinguiſhed Patrons of Learning, Arts and Commerce. When we have not foreign Enemies to contend with, muſt we make Enemies of one another? What in the Name of God do Men aim at? A ſevere Truth muſt be ſpoken! The Engliſh have many private and many public Virtues, and they know the Worth of Conſtitutional Liberty in their own Iſland; but

as

as if this precious Jewel loſt its Value by diffuſing its Luſtre, they enviouſly ſtrive to diſſipate and weaken every Ray that glimmers on any other People, even in their own Dominions, and on their own Deſcendants and Countrymen. They muſt endure to be told it, and to be further informed, that *Melius eſt Beneficio quam metu obligare homines*, as it is ſaid the ancient Romans did, in the Days of their Greatneſs and Glory, of whom, *parcere Subjectis*, *debellare Superbos*, was the virtuous motto and peculiar character. Livy.

Whatever may be the Fate of America; whether it is their Lot to be Slaves or Freemen, I nevertheleſs entertain very ſtrong Hopes, that the Britiſh Nation will very ſoon perceive the Miſtakes upon which they have hitherto proceeded in their Treatment of Ireland, and it is no more than common Candour to acknowledge, that moſt ſenſible Engliſhmen, with whom I have had an Opportunity of converſing on the Subject, appear inclined to allow,

that we have been both hardly and unwiſely dealt by, and we may expect that this favourable Way of Thinking will improve. Another Circumſtance alſo flatters my Expectations; our Chief Governors do not now, as they did formerly, come with a Prepoſſeſſion "of the Danger of Ireland's "encroaching upon the Trade and Wealth "of England, nor from thence rather "fear than deſign Ireland's proſperity in "Trade." Nor are they ſo often unfit to fill their Stations, and while I diſdain to adulate our preſent Chief Governor, I am, notwithſtanding, happy to profeſs, I have a very good Opinion as well of his Mind as his Abilities, and think him neither incapable nor unwilling to obtain for us every Benefit we can reaſonably demand at his Hands, and he honourably exert himſelf to procure. I wiſh for the preſent to leave off, though I have more in my Thoughts, which, if I perceive any Likelihood of doing the Public the leaſt Service by it, I may communicate with them another Day. I truſt I have ſaid nothing dangerous or improper; that

that I intend well I am very conſcious; the Honeſty of my Intentions I eſteem a Seven-fold Shield of Defence, and ſo protected, I ſhall conclude with the Poet,

Je crains Dieu cher Abner et n'aipoint d'autre Crainte.

FINIS.

7 AP64